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# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

**OCTOBER TERM, 1901.**

**No. 475**

GERHARD TERLINDEN, APPELLANT,

*vs.*

JOHN C. AMES, UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

**FILED NOVEMBER 25, 1901.**

**(18,328.)**

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1&2 And afterwards, to wit: on the 14th day of November, A. D. 1901, there was filed in the clerk's office of said court, a præcipe in said cause, which said præcipe is in the words and figures following, to wit:

In the District Court of the United States, Northern District of Illinois.

*In re* GERHARD TERLINDEN. *Habeas Corpus.*

To the clerk U. S. district court:

Kindly prepare authenticated transcript in the above-entitled cause, consisting of:

(1.) Petition for writ of *habeas corpus.*
(2.) Writ of *habeas corpus.*
(3.) Return of marshal.
(4.) Traverse.
(5.) Petition for certiorari.
(6.) Prayer for appeal to circuit court of appeals.
(7.) Assignment of errors.
(8.) Citation.
(9.) Appeal bond.
(10.) Orders of court, Oct. 17, 1901, October 21st, 1901, Oct. 29, 1901, Oct. 29, 1901 2 o'clock, Oct. 31st, 1901, Nov. 5th, 1901, Nov. 6th, 1901.
(11.) Prayer for appeal and assignment of errors to Supreme Court.
(12.) Bond.
(13.) Citation.
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3 And afterwards, to wit, on the 28th day of October, A. D. 1901, there was filed in the Clerk's Office of the District Court of the United States for the Northern District of Illinois, a Petition for a Writ of Habeas Corbus; said Petition being in the words and figures following, to wit: Petition, filed 28, 1901

4 United States of America,
Northern District of Illinois. }

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois.

*In re*
Habeas Corpus,
Gerhard Terlinden. }

*To the Honorable Christian C. Kohlsaat, Judge of the District Court of the United States for the Northern District of Illinois:*

The petition of Gerhard Terlinden respectfully shows:

First. That he is now imprisoned and restrained of his liberty by John C. Ames, Marshal of the United States for the Northern District of Illinois, at the Cook County jail in the City of Chicago, Illinois.

Second. That your petitioner is thus imprisoned and held in custody under color of the authority of the Constitution and laws of the United States, relating to the return of fugitives from justice to foreign countries with which the United States has concluded treaties of extradition.

Third. That said John C. Ames claims to hold in custody and imprison your petitioner under and by virtue of a certain warrant issued by Mark A. Foote, United States Commissioner, which warrant was issued under the following circumstances, as your petitioner is informed and verily believes: On or about the 15th day of August, 1901, the complaint of Walther Wever, Imperial German Consul

5 at Chicago, a copy of which complaint is hereto annexed, marked Exhibit "A," was presented to said Commissioner; thereafter, a warrant, a copy whereof is hereto annexed, marked Exhibit "B," was issued and upon this warrant your petitioner was apprehended at the City of Milwaukee, Wisconsin, on or about the 16th day of August, 1901, and brought before said Commissioner to be dealt with according to law; that the proceedings before said Commissioner at the instance and request of the attorney for said Imperial German Consul, were continued to the 6th day of September, 1901, and on said day, at the instance and request of said attorney, to the 26th day of September, 1901; that on said last mentioned day, the proceeedings

filed Oct. 1901.

heretofore had before said Commissioner, were dismissed upon the motion of the attorney for the German Consul; your petitioner while still in the presence of said Court, was again arrested on said 26th day of September, 1901, upon a warrant, a copy of which is hereto annexed, marked Exhibit "C," issued upon a complaint, a copy of which is hereto annexed and marked Exhibit "D," presented to said Commissioner by said Imperial German Consul on or about the 25th day of September, 1901.

Fourth. That said imprisonment is illegal and without authority in law and in violation of the Constitution and laws of the United States for the following reasons:

1. No treaty or convention for the extradition of fugitives from justice, exists between the United States and the German Empire.

2. That the treaty or convention for the extradition of fugitives from justice concluded between the United States and the Kingdom of Prussia on the 16th day of June, 1852, and ratified May 3rd, A. D. 1853, was terminated by the creation of the German Empire and the adoption of the Constitution of said Empire in A. D. 1871 and that no treaty or convention for the extradition of fugitives from justice has been concluded between the United States on the one part, and the Kingdom of Prussia or the German Empire on the other, since said time.

3. Said complaint does not charge an extraditable offense under the provisions of the treaty of 1852, concluded between the United States and Prussia and other German States, were said treaty still in force and of binding effect.

4. Your petitioner is not guilty of any extraditable offense under the provisions of said treaty of 1852, were said treaty still in force and of binding effect.

5. All proceedings had or attempted to be had before said Commissioner under said complaint and warrant are illegal, void and without authority in law because said Commissioner did not have jurisdiction over the person of this petitioner.

Wherefore your petitioner prays that a writ of Habeas Corpus may issue out of the District Court of the United States for the Northern District of Illinois directed to the said John C. Ames, commanding him to produce the body of your petitioner before said Court, at some convenient time to be herein designated, there to abide what shall be awarded by the Court in the premises, and that your petitioner be discharged from said imprisonment.

GERHARD TERLINDEN,
*Petitioner.*

ALBERT W. MAY, Chicago.
A. C. UMBREIT, Milwaukee.
*Attorneys.*

7 United States of America, }
Northern District of Illinois. }

State of Illinois, }
County of Cook. } ss.

Before me Will T. Davies a Notary Public in and for the County of Cook, State of Illinois, U. S. A. this day personally appeared the petitioner, Gerhard, Terlinden, and he, by me first duly sworn deposes and says that he has read the above petition by him subscribed and knows the contents thereof, and that the same is true.

GERHARD TERLINDEN.

Subscribed and sworn to before me, this 12th day of October, A. D. 1901.

WILL T. DAVIES,
*Notary Public.*

[SEAL]

8 EXHIBIT A.

Exhibit A t
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United States of America, }
Northern District of Illinois. } ss.

To the Honorable Mark A. Foote, Commissioner of the Untited States in and for the Nothern District of Illinois, and one of the Commissioners specially authorized to issue warrants for the apprehension of fugitives from justice of foreign governments.

The undersigned, Dr. Walther Wever, Imperial German Consul at Chicago, respectfully represents and shows upon this oath that he is the duly accredited official agent and representative of the German Empire at Chicago and also the Kingdom of Prussia, forming a part of said German Empire; that one Gerhard Terlinden, alias Theodor Graefe, late of the City of Duisburg, in the Kingdom of Prussia, German Empire, and a subject of said Kingdom of Prussia, did, to-wit, in the first six months of the year 1901, commit within the jurisdiction of the said Kingdom of Prussia, various crimes of forgery and counterfeiting and the utterance of forged papers, as follows, to-wit:

That the said Gerhard Terlinden, alias Theodor Graefe, being a Director of the "Aktien Gesellschaft Gerhard Terlinden" a corporation duly organized and incorporated under the laws of the Kingdom of Prussia, did, on to-wit, the first day of April, 1901, and at divers other times since said date, at, to-wit the city of Duisburg, in said Kingdom of Prussia, forge and counterfeit certain certificates of stock of the said "Aktein Gesellschaft Gerhard Terlinden" and put off,

A to petition, complaint.

uttered and disposed the same with felonious intent to cheat and defraud one Robert Suermont of the City of Aachen in the Kingdom of Prussia, Amsterdamsche Bank, a corporation doing business in the Kingdom of the Netherlands, Discontogesellschaft, a corporation doing business in Berlin in the Kingdom of Prussia, and the various other persons and corporations in said Kingdom of Prussia, out of large sums of money amounting in the aggregate to about one million and a half of Marks, German coin, being about Three hundred and seventy 9 thousaind Dollars American money, and by means of said forgeries and counterfeiting and the felonious utterance of said forged and counterfeited certificates of stoc , the said Gerhard Terlinden, alias Theodor Grae fe, actually did cheat and defraud the said several persons and corporation out of said sums of money, contrary to the laws of the said Kingdom of Prussia.

And the complainant further says that the said Grehard Terlinden, alias Theodor Graefe, was at the time of committing the said forgeries and counterfeiting and the utterance of said forged and counterfeited certificates of stock a resident of said city of Duisburg and a citizen of the said Kingdom of Prussia, and that the said Gerhard Terlinden, alias Theodor Graefe, is now a fugitive from the said Kingdom of Prussia; that on or about the first day of July, 1901, he fled into the jurisdiction of the United States of America for the purpose of seeking an asylum therein, that he is now said to be concealed within the Northern District of Illinois or in the Eastern District of Wisconsin and that the crimes with which the said Gerhard Terlinden, alias Theodor Graefe, is charged, are crimes embraced within the treaty of extradition between the United States of America and the Kingdom of Prussia concluded on the 16th day of June, 1852 and ratified May 3rd, 1853.

The undersigned therefore prays that a warrant be issued for the apprehension and commitment of the said Gerhard Terlinden alias Theodor Graefe, in order that the evidence of his criminality may be inquired into, and the said Grehard Terlinden, alias Theodor Graefe, may be extradited and delivered up to the justice of the said Kingdom of Prussia, in accordance with the stipulations of said treaty and the Acts of Congress passed in pursuance thereof.

.....

(Verification)

Exhibit B—Warrant.

## EXHIBIT "B."

10

United States of America, } ss.
Northern District of Illinois. }

*The President of the United States of America to the Marshals of the United States for any district respectively, and to their Deputies, or the Deputies of any of them, or to any of said Deputies, Greeting:*

Whereas, complaint has been made on the oath of Dr. Walther Wever, Imperial German Consul at Chicago and for the Consulat District comprising said Northern District of Illinois, before Mark A. Foote, a commissioner specially appointed and authorized by the District Court of the United States for the Northern District of Illinois, to execute the Act of Congress entitled "an act for giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders" approved August 12, 1848, and the act entitled "an act to amend the act entitled "an act for the giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders," approved June 22nd, 1860, that one Gerhard Terlinden alias Theodor Grafe, did on various days in the year nineteen hundred and one, A. D. within the jurisdiction and government of the Kingdom of Prussia, commit the crimes of Forgery and Counterfeiting and the Utterance of Forged Certificates of Stock.

And whereas it is also shown in and by said complaint that the said Gerhard Terlinden alias Theodor Graefe was at the time of committing said crimes of Forgery and Counterfeiting and the Utterance of Forged Certificates of Stock, a resident and a subject of the Kingdom of Prussia, and that he is a fugitive from justice of the Kingdom of Prussia; that, on or about the first day of July nineteen hundred and one, he fled into the jurisdiction of the United States of America, for the purpose of seeking an asylum therein, and that the said crimes with which the said Gerhard Terlinden, alias Theodor
11 Graefe, is charged, are embraced in the Treaty of Extradition between the United States of America and the Kingdom of Prussia concluded on the 16th day of June, 1852 and ratified May 3rd, 1853.

These are therefore to command you, and each of you, forthwith to apprehend the said Gerhard Terlinden, alias Theodor Graefe, and to bring him before the said Mark A. Foote, Commissioner aforesaid, or before another other commissioner of the United States of America duly authorized as aforesaid, or before any justice of the Supreme

Court, Circuit Judge or District Judge of the United States of America, to answer the premises, and further to be dealt with according to law and the provisions of said treaty.

In witness whereof, I have hereunto set my hand as such commissioner, at my office in said district, this 15th day of August, nineteen hundred and one.

.....

*Commissioner.*

Exhibit D—Complaint, dated Aug. 25, 1901.

12

## EXHIBIT "D."

UNITED STATES OF AMERICA,

Northern District of Illinois.

To the Hon. Mark A. Foote, Commissioner of the United States of America, and for the Northern Disrtict of Illinois, and one of the Commissioners specially authorized by order of the District Court of the United States of America in and for the Northern District of Illinois to issue warrants for the apprehension of fugitives from justice of foreign governments.

The undersigned, Dr. Walther Wever, Imperial German Consul at Chicago, respectfully represents and shows upon his oath, that he is the duly accredited official agent and representative of the German Empire at Chicago and also of the Kingdom of Prussia, forming part of said German Empire; and that as such German Consul and representative of the Kingdom of Prussia he complains that one Gerhard Terlinden, alias Theodor Graefe, late of the City of Oberhausen, in the Kingdom of Prussia, German Empire, and a subject of said Kingdom of Prussia, German Empire, did, to-wit, at the time and times hereinafter set forth, within the jurisdiction of said Kingdom, commit various crimes of forgery and counterfeiting and the utterance of forged instruments, that is to say:

This complainant represents and shows that, to-wit, in the month of September, A. D. 1900, the said Gerhard Terlinden, alias Theodor Grafe, being at said time and subsequent thereto a director of the Gerhard Terlinden Stock Company, doing businesss in the City of Oberhausen in the Kingdom of Prussia, placed into circulation, uttered and pledged with the Hannoverian Bank of Hanover within the jurisdiction of the Kingdom of Prussia, four hundred certain genuine stock certificates of the said Gerhard Terlinden Stock Company, said stock certificate being of the face value of 1000 Marks (German coin) each and being numbered consecutively from 2901 to 3300 both inclusive, which said stock certificates were dated in August

Exhibit D—Complaint, dated Sept. 25, 1901

1900, and certified that the holder of each one of said certificates
13 was interested to the amount of 1000 marks as shareholder in said Gerhard Terlinden Stock Company, and which said stocks certificates were private instruments of pecuniary value.

And the undersigned complains that thereafter, towit—in the month of March, 1901, at the City of Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, did, feloniously and contrary to the laws of the said Kngdom of Prussia, falsely make, forge and counterfeit four hundred certain instruments purporting to be genuine certificates of stock of the Gerhard Terlinden Stock Company, each of the face value of 1000 Marks German coin and purporting to certify that the holder thereof was interested in the said Gerhard Terlinden Stock Company as a shareholder to the amount of 1000 Marks, which said instruments were also numbered consecutively from 2901 to 3300 both inclusive and were made to appear to be the actual original genuine stock certificates of said stock company theretofore uttered by the said Gerhard Terlinden, alias Theodor Grafe, to the Hannoverian Bank as aforesaid with intent to cheat and defraud the Disconto Gesellschaft, a banking house doing business at Berlin in the said Kingdom of Prussia, and other persons.

And the undersigned complains that also, to-wit, in the month of March, 1901, at the City of Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, did, feloniously and contrary to the laws of the said Kingdom of Prussia, cause to be falsely made forged and counterfeited four hundred certain instruments purporting to be genuine certificates of stock of the Gerhard Terlinden Stock Company, each of the face value of 1000 Marks German coin and purporting to certify that the holder thereof was interested in the said Gerhard Terlinden Stock Company as a shareholder to the amount of 1000 Marks, which said instruments were numbered consecutively from 2901 to 3300 both inclusive, and were made to appear to be the actual original genuine stock certificates theretofore uttered by the said Gerhard Terlin-
14 den, alias Theodor Grafe, to the Hannoverian Bank as aforesaid, with intent to cheat and defraud to Di-conto Ge-ellschaft, a banking house doing business at the City of Berlin in the said Kingdom of Prussia, and other persons.

And the undersigned further complains that also, to-wit in the month of May, 1901, at Oberhausen, in the Kingdom of Prussia the said Gerhard Terlinden, alias Theodor Grafe, within the jurisdiction of the Kingdom of Prussia, being then and there possessed of certain four hundred forged, counterfeited and simulated certificates of stock of the Gerhard Terlinden Stock Company doing business at the City

Ex. D—Complaint of Sept. 1901.

of Oberhausen, in the Kingdom of Prussia, which said forged counterfeited and simulated certificates of stock were numbered respectively and consecutively from 2901 to 3300, both inclusive, and each and all of which purported on their face to entitle the holder thereof to an interest of 1000 Marks as shareholder to the said Gerhard Stock Company, did then and there pass utter and put off said forged, counterfeited and simulated certificates of stock to the Discontogesellschaft, a banking houes of Berlin within the jurisdiction of the Kingdom of Prussia, with intent to prejudice, damage and defraud said Discontogesellschaft, well knowing said certificates of stock to be false, forged counterfeited and simulated, contrary to the laws of the Kingdom of Prussia.

And the undersigned further complains that also, to-wit in the month of May, A. D. 1901, at Oberhausen in the Kingdom of Prussia, the said Gerhard Terlinden, aliass Theodor Grafe, within the jurisdiction of the Kingdom of Prussia, being then and there possessed of one hundred and thirty three certain forged, counterfeited and simulated certificates of stock of the Gerhard Terlinden Stock Company doing business at the City of Oberhausen in the Kingdom of Prussia, which said forged, counterfeited and simulated certificates of stock were numbered respectively and consecutively from 1803 to 1935 both inclusive, and each and all of which purported on their face to entitle the holder thereof to an interest of 1000 Marks as shareholder in the said Gerhard Terlinden Stock Company, did then and there pass, utter and put off said forged, counterfeited and simulated certificates of stock, well knowing them to be forged, counterfeited and simulated, to the Amsterdamsche Bank, a banking house doing business in the Kingdom of the Netherlands, with intent to prejudice, damage and defraud the said Amsterdamsche Bank, and others, contrary to the laws of the Kingdom of Prussia.

And the undersigned further complains that also, to-wit in the month of March of the year A. D. 1901, at Oberhausen, within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, did feloniously forge, falsely make and counterfeit a certain steel stamp so as to cause the imprint made with the same to resemble and appear to be the imprint made by a certain stamp of the Royal Prussian Revenue Office at the City of Duisburg within the Kingdom of Prussia, which said stamp was known as and marked No. 38 and was used by said Royal Prussian Revenue Office to imprint upon stock certificates issued by stock companies, and on other instruments, an impression of said stamp in order to show that a certain stamp duty imposed by the laws of said Empire of Germany had been duly paid upon such certificates of stock or other instruments; and the said Gerhard Terlinden did then and there falsely make, forge and counter-

Exhibit D—Complaint of Sept. 25, 1901.

feit said stamp numbered 38 of the said Royal Prussian Revenue Office at Duisburg aforesaid, with intent to cheat and defraud the said Government of the German Empire, and others, contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains that also, to-wit, in the month of March in the year 1901, at, to-wit, Oberhausen, in the the Kingdom of Prussia, and within the jurisdiction of the
16 said Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, did feloniously cause to be forged, falsely made and counterfeited a certain steel stamp so as to cause to imprint made with the same to resemble and appear to be the imprint made by a certain stamp of the Royal Prussian Revenue Office at the City of Duisburg within the said Kingdom of Prussia, which said stamp was known as and marked No. 38 and was used by the said Royal Prussian Revenue Office at the City of Druisburg, to imprint upon stock certificates issued by stock companies, and on other instruments, an impression of said stamp in order to show that a certain stamp duty imposed by said Empire of Germany had been duly paid upon such certificates of stock or other instruments; and the said Gerhard Terlinden did then and there cause to be falsely made, forged and counterfeited said stamp numbered 38 of said Royal Prussian Revenue Office at Druisburg aforesaid, with intent to cheat and defraud the said Government of the Empire of Germany, and others contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains that also, to-wit in the in the month of March, April and May of the year A. D. 1901, at, to-wit, the City of Oberhausen within the jurisdiction of the said Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, being then and there possessed of a large number, to-wit 400 certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company, of Oberhausen, in the Kingdom of Prussia, numbered consecutively from 2901 to 3300 both inclusively, and also of 133 other certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company of said Oberhausen, numbered consecutively 1803 to 1935, both inclusive, all of said instruments being dated in August, 1901, and each purporting to certify that the holder thereof was interested to the amount of 100 Marks, German coin, as shareholder in the Gerhard Terlinden Stock Company,
17 aforesaid, and the said Gerhard Terlinden, alias Theodor Grafe, did, to-wit, in the months of March, April and May, in the year A D. 1901, at Oberhausen, aforesaid, for the purpose of making it falsely appear that the stamp duty imposed by the laws of the German Empire upon stock issues of that character, had been duly paid, imprint upon said instruments purporting to be stock certificates of the Ger-

ibit D—Com-
laint of Sept.
, 1901.

hard Terlinden Stock Company in ink or color, the impression of said forged and counterfeited stamp so as aforesaid made or caused to be made by him, with intent to cheat and defraud the Government of the said Empire of Germany and others.

And the undersigned further complains that also, to-wit, in the months of March, April and May of the year A. D. 1901, at, to-wit, the City of Oberhausen within the jurisdiction of the said Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, being then and there possessed of a large number, to-wit, 400 certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company, of Oberhausen, in the Kingdom of Prussia, numbered consecutively from 2901 to 3300 both inclusive, and also of 133 other certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company of said Oberhausen, numbered consecutively 1803 to 1935, both inclusive, all of said instruments being dated in August, 1901, and each purporting to certify that the holder thereof was interested to the amount of one thousand Marks (German coin) as shareholder in the Gerhard Terlinden Stock Company, aforesaid, and being also possessed of a certain false and counterfeited stamp so as, aforesaid made or caused to be made by him, the said Gerhard Terlinden, alias Theodor Grafe, did, to-wit, in the months of March, April and May of the year A. D. 1901, at Oberhausen aforesaid, for the purpose of making it falsely appear that the stamp duty imposed by the laws of the German Empire upon stock issues of that character, had been duly paid, cause to be imprinted upon each of said instruments
18 purporting to be stock certificates of the Gerhard Terlinden Stock Company in ink or color the impression of the said forged or counterfeited stamp, with intent to cheat and defraud the Government of the said Empire of Germany and others.

And the undersigned further complains, that also, to-wit, in the months of March, April and May of the year 1901, at, to-wit, the City of Oberhausen within the jurisdiction of the said Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, being then and there possessed of a large number, to-wit, 400 certain instruments purporting to be stock certificates of the Gerhard Terlinden Stock Company of Oberhausen in the Kingdom of Prussia, numbered consecutively from 2901 to 3300, both inclusive, and also of 133 other certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company of said Oberhausen, numbered consecutively from 1803 to 1935, both inclusive, all of said instruments being dated in August, 1901, and each of said instruments purporting that the holder thereof was interested to the amount of one thousand Marks (German Coin) as shareholder in the Gerhard Terlinden Stock Company, aforesaid, and being also possessed of a certain forged and

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counterfeit stamp made to appear to be the stamp No. 38 of the Royal Prussian Revenue Office at Duisburg, the said Gerhard Terlinden, alias Theodor Grafe did, to-wit, in the months of March, April and May, 1901, at to-wit, Oberhausen aforesaid, imprint upon each of said instruments in ink or color, the impression of said forged or counterfeited stamp so as aforesaid made or caused to be made by him, for the purpose of making the said several instruments appear to be genuine stock certificates of the Gerhard Terlinden Stock Company upon which the stamp duty imposed by said laws of the German Empire had been duly paid and of passing, uttering and putting into circulation, the said forged and counterfeited certificates of stock with intent to prejudice, damage and defraud the Discontogesell-
19 schlaft of Berlin in said Kingdom of Prussia, and other firms, persons and corporations.

And the undersigned also complains that also to-wit, in the months of March, April and May of the year A. D. 1901, at, to-wit, the City of Oberhausen within the jurisdiction of the said Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe being then and there possessed of a large number, to-wit, 400 certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company, of Oberhausen in the Kingdom of Prussia, numbered consecutively from 2901 to 3300, both inclusive, and also of 133 other certain instruments purporting to be certificates of stock of the Gerhard Terlinden Stock Company of Oberhausen aforesaid, numbered consecutively from 1803 to 1935, both inclusive, all of said instruments being dated in August, 1901, and each purporting to certify that the holder thereof was interested to the amount of one thousand marks (German coin) as shareholder in the Gerhard Terlinden Stock Company, aforesaid, and being also possessed of a certain forged and counterfeited stamp made to appear to be the stamp numbered 38 of the Royal Prussian Revenue Office of Duisburg, the said Gerhard Terlinden, alias Theodor Grafe, did then and there, to-wit, in the months of March, April and May of the year 1901, at, to-wit, Oberhausen aforesaid, cause to be imprinted upon each of said instruments, in ink or color, the impression of said forged and counterfeited stamp, well knowing the same to be forged, for the purpose of making the said several instruments to appear to be genuine stock certificates of the Gerhard Terlinden Stock Company, upon which the stamp duty imposed by the laws of the German Empire, had been duly paid, and passing, uttering and putting into circulation the said forged and counterfeited certificates of stock with intent to prejudice, damage and defraud the Discontogesellschaft of Berlin in said Kingdom of Prussia, and other firms, persons, and corporations, con-
20 trary to the laws of the Kingdom of Prussia.

Exhibit D—Complaint of Sept. 1901.

And the undersigned further complains, that also, to-wit in the month of May, 1901, the said Gerhard Terlinden, alias Theodor Grafe, at, to-wit, the City of Oberhausen, in the Kingdom of Prussia, and within the jurisdiction of the Kingdom of Prussia, was possessed of 400 certain forged and counterfeited certificates of stock, numbered consecutively from 2901 to 3300, both inclusive and bearing upon their face the imprint of a certain forged and counterfeited stamp made to appear to be the stamp of the Imperial German Revenue Office at Duisburg, and knowing that said certificates to be false and counterfeited, did then and there pass, utter put off and dispose of said certificates to the Discontogesellschaft, a banking house doing business at Berlin in the Kingdom of Prussia, with intent to prejudice, damage and defraud the said Discontogesellschaft, and others.

The complainant further complains that also, to-wit, in the month of March, April and May of the year 1901,, at, to-wit the City of Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, being a director of the Gerhard Terlinden Stock Company doing business at the City of Oberhausen within the jurisdiction of the Kingdom of Prussia and having charge of the account and invoice books of said Company, did then and there, with intent to cheat and defraud, make or cause to be made, false, fraudulent and fictitious entries in said account and invoice books and forged and altered a number of invoices in the same for the purpose of making it falsely appear that the said Gerhard Terlinden, alias Theodor Grafe, and sold and delivered to various customers large amounts of goods and had drawn on them his drafts therefor, when in truth and in fact the Gerhard Terlinden, alias Theodor Grafe, did not supply said goods and did not have them on hand, and by means of such forged entries and invoices the said Gerhard Terlinden, alias Theodor Grafe, deceived and defrauded a large number of customers with whom he was then and there
21 doing business, and particularly the Barmer Bank Verein, a banking firm in the City of Barmen, within the jurisdiction of the Kingdom of Prussia.

And the undersigned further complains that also, to-wit on the 29th day of April, 1901, at Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody a certain bill of exchange, dated Oberhausen, (Rhineland) the 29th of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Heh. (Heinrich) Schulte of Sterkrade in said Kingdom of Prussia, for the sum of nine thousand five hundred and eighty two Marks and thirty-five pfennigs, payable to the order of Barmer Bank Verien Heinsberg Fisher & Co., at the Branch of the Imperial Bank in Oberhausen on the 30th day of July

Exhibit D—Complaint of Sep 25, 1901

in said year 1901, did then and there, to-wit, on said 29th day of April, 1901, at Obenhausen aforesaid, feloniously forge upon the said bill of exchange an acceptance which said acceptance is entered in the margin of said bill of exchange and is as follows, towit, "Hch Schulte" with intent to prejudice damage and defraud the said Barmer Bank Verein Heinsberg Fisher & Co. contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains that also, to-wit the 29th day of April, 1901, at Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody a certain bill of exchange, dated Oberhausen (Rhineland) the 29th day of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Hch. Schulte of Sterkrade in said Kingdom of Prussia, for the sum of Nine thousand five hundred and eighty two marks and thirty-five pfennigs payable to the order of the Bremer Bank Verein Heinsberg Fisher & Co., at the branch of the Imperial Bank in Oberhausen, on the 30th day of July of said year 1901, did then and there, to-wit, on the said 29th day of April, 1901, at Oberhausen aforesaid, feloniously cause to be forged upon said bill of exchange an acceptance which said ac-
22 tance is entered on the margin of said exchange and is as follows to wit, "Hch. Schulte," which said forgery was caused to be made by the said Gerhard Terlinden, alias Theodor Grafe, with intent to prejudice, damage and defraud the Barmer Bank Verein Heinsberg Fisher & Co., contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains, that also, to-wit on the 27th day of April, A. D. 1901, at Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody, a certain bill of exchange, dated Oberhausen (Rhineland) the 27th day of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Wilhelm Seven of Essen in said Kingdom of Prussia, for the sum of six and twenty thousand two hundred and fifty marks paybale to the order of the Barmer Bank Verein Heinsberg Fischer & Co., on the 30th day of July, 1901, did then and there, to-wit, on the said 27th day of April, 1901, at, to-wit, Oberhausen aforesaid, feloniously and with intent to cheat and defraud the said Bank Verein Heinsberg Fischer & Co., forge upon said bill of exchange an acceptance, which said forged acceptance is entered upon the margin of said bill of exchange and is as follows, to-wit, "Wilhelm Seven" contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains that also, towit, on the 27th day of April, 1901, at Oberhausen within the jurisdiction of the King-

Exhibit D—Complaint of Sept. 3, 1901.

dom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody a certain bill of exchange, dated Oberhausen, Rhineland, the 27th of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Wilhelm Seven of Essen in said Kingdom of Prussia, for the sum of six and twenty thousand two hundred and fifty marks, payable to the order of the Barmer Bank Verein Heinsberg Fischer & Co., on the 30th of July, 1901, did then and there, to-wit, on the said 27th day of April, 1901, at, to-wit,
23 Oberhausen aforesaid, feloniously and with intent to cheat and defraud the said Barmer Bank Verein Heinsberg Fischer & Co., caused to be forged on said bill of exchange an acceptance which said forged acceptance is entered upon the margin of said bill of exchange and is as follows, to-wit, "Wilhelm Seven," contrary to the laws of the Kingdom of Prussia.

And the undersigned further complains that, also, to-wit, on the 18th day of April, 1901, at, to-wit, the city of Oberhausen, within the jurisdiction of said Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in possession and custody a certain bill of exchange, dated Oberhausen, Rhineland, the 18th day of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Wilh. Seven of Essen in said Kingdom of Prussia for the sum of Twenty five thousand nine hundred and twelve marks and 45 pfennigs, payable to the order of the Barmer Bank Verein Heinsberg Fischer & Co., on the 21st day of July, 1901, did then and there, on to-wit, the said 18th day of April, 1901, at, to-wit Oberhausen aforesaid, feloniously and with intent to cheat and defraud the said Barmer Bank Verein Heinsberg Fischer & Co., forge upon the said bill of exchange an acceptance, which said forged acceptance is entered upon the margin of said bill of exchange as follows, to-wit, "Wilh. Seven," contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains that also, to-wit on the 18th day of April, 1901, at to-wit, the City of Oberhausen within the jurisdiction of said Kingdom of Prussia, said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody a certain bill of exchange, dated Oberhausen, Rhineland, the 18th day of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Wilh. Seven of Essen in said Kingdom of Prussia, for the sum of twenty five thousand nine hundred and twelve Marks and 45 forty five pfennigs, payable to the order of the Barmer Bank Verein Heinberg Fischer
24 & Co., on the 31st day of July, 1901, did then and there, on, to-wit, the said 18th day of April, 1901, at, to-wit, Oberhausen aforesaid, feloniously and with intent to cheat and defraud the said Barmer Bank Verein Heinsberg Fischer & Co., caused to be forged upon said bill of exchange an acceptance, which said forged accept-

ance is entered upon the margin of said bill of exchange and is as follows to-wit, "Wilg. Seven," contrary to the laws of the said Kingdom of Prussia.

And the undersigned further complains that, also, to-wit, on the 29th day of April, 1901, at, to-wit, the City of Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden alias Theodor Grafe, having in his possession and custody, a certain bill of exchange, dated Oberhausen, Rhineland, the 29th day of April, 1901. Drawn by the Gerhard Terlinden Stock Company upon Hch. Schulte of Sterkrade in the said Kingdom of Prussia, for the sum of Nine thousand five hundred and eighty two Marks and thirty-five pfennigs payable to the order of Barmer Bank Verein Heinsberg Fischer & Co., at the branch of the Imperial Bank of Oberhausen on the 30th day of July, 1901, and bearing on the margin thereof the forged acceptance of the drawee, Hch. Schulte, did then and there, on, to-wit, said 29th day of April, 1901, at Oberhausen aforesaid, knowing the acceptance upon said bill of exchange to be forged, feloniously and with intent to cheat and defraud the Barmer Bank Verein Heinsberg Fischer & Co., of Barmen in the Kingdom of Prussia and others, utter and dispose of the said Barmer Bank Verein Heinsberg Fischer & Co., the said forged bill of exchange bearing said forged acceptance as aforesaid, contrary to the laws of the Kingdom of Prussia.

And the undersigned further complains also, that, towit, on the 27th day of April, 1901, at to-wit, the city of Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody a certain 25 bill of exchange, dated Oberhausen, Rhineland, the 27th of April, 1901, drawn of the Gerhard Terlinden Stock Company upon one Wilhelm Seven of Essen in said Kingdom of Prussia, for the sum of six and twenty thousand two hundred and fifty Marks payable to the order of Barmer Bank Verein Heinsberg Fischer & Co., on the 30th of July, 1901, and bearing on the margin thereof the forged acceptance of the drawee Wilhelm Seven, did then and there, on to-wit, said 27th day of April, 1901, at Oberhausen, aforesaid, knowing the acceptance upon said bill of exchange to be forged, feloniously and with intent to cheat and defraud the Barmer Bank Verein Heinsberg Fischer & Co., of Barmen in the Kingdom of Prussia and others, utter and dispose of to the said Barmen Bank Verein Heinsberg Fischer & Co., the said forged bill of exchange bearing said forged acceptance as aforesaid, contrary to the laws of the Kingdom of Prussia.

And the undersigned complains that also, to-wit on the 18th day of April, 1901, at to-wit, the City of Oberhausen within the jurisdiction of the Kingdom of Prussia, the said Gerhard Terlinden, alias Theodor Grafe, having in his possession and custody a certain bill of exchange,

Exhibit D—Complaint of Sept. 5, 1901

dated Oberhausen, Rhineland, the 18th day of April, 1901, drawn by the Gerhard Terlinden Stock Company upon one Wilh. Seven of Essen in said Kingdom of Prussia, for the sum of twenty five thousand nine hundred and twelve Marks, and forty-five pfennigs, payable to the order of the Barmer Bank Verein Heinsberg Fischer & Co., on the 31st day of July, 1901, and bearing on the marign thereof the forged acceptance of the drawee Wilh. Seven, did then and there, on to-wit, said 18th day of April, A. D. 1901, at Oberhausen aforesaid, bearing the acceptance upon said bill of exchange to be forged, feloniously and with intent to cheat and defraud the Barmer Bank Verein Heinsberg Fischer & Co., of Barmen in the Kingdom of Prussia, and others, utter and dispose of the said Barmer Bankverein Heinsberg, Fischer & Co., the said
26 bill of exchange bearing said forged acceptance, contrary to the laws of the Kingdom of Prussia.

The undersigned further represents and shows that the said several crimes of forgery and counterfeiting and utterance of said several forged and counterfeited instruments as herein above recited are fully shown by the testimony of a number of witnesses heard before the examining Judge of the "Landgericht" (Circuit Court) at the city of Duisburg in the said Kingdom of Prussia, a court of competent jurisdiction in which the matter of the penal investigation instituted against the said Gerhard Terlinden, alias Theodor Grafe is now pending, in order that he may answer for said several crimes; and the undersigned herewith submits to the Commissioner and files with this complaint a copy of all depositions of witnesses taken in said matter, together with a copy of the warrant of arrest issued by said Court against the said Gerhard Terlinden, alias Theodor Grafe and of the provision of the penal code of the German Empire applicable to said several crimes and providing punishment therefor, all of which instruments, written in the German language, are duly authenticated by Andrew D. White, ambassador of the United States of America at the Court of Berlin, in manner and form as required by the Acts of Congress in such case made and provided. And the undersigned also brings here and files herewith a duly verified English interpretation of all of said German instruments.

And the complainant further says that the said Gerhard Terlinden, alias Theodor Grafe, was at the time of committing the said crimes of forgery and counterfeiting and the utterance of said several forged and counterfeited instruments a subject of the said Kingdom of Prussia, and the said Gerhard Terlinden, alias Theodor Grafe, is now a fugitive from the said Kingdom of Prussia; that on or about the 1st day of July, A. D. 1901, he fled into the jurisdiction of the United States of America for the purpose of seeking an asylum therein, that he is now within
27 the Northern District of Illinois and that the crimes with which

the said Gerhard Terlinden, alias Theodor Grafe, is charged, are crimes embraced within the treaty of extradition between the United States of America and the Kingdom of Prussia concluded on the 16th day of June, 1852 and ratified May 3rd, 1853.

The undersigned therefore prays that a warrant be issued for the apprehension and commitment of said Gerhard Terlinden, alias Theodor Grafe, in order that the evidence of his criminality may be inquired into, and that the said Gerhard Terlinden, alias Theodor Grafe, may be extradited and delivered up to justice of the said Kingdom of Prussia, in accordance with the stipulations of the said treaty and the acts of Congress passed in pursuance thereof.

Signed DR. WALTHER WEVER.

United States of America, } ss.
Northern District of Illinois. }

Walther Wever, Imperial German Counsul at Chicago in the Northern District of Illinois, being duly sworn according to law, deposes and says that the foregoing complaint by him subscribed is true.

Signed DR. WALTHER WEVER.

Subscribed and sworn to before me this 25th day of September, 1901.

MARK A. FOOTE,
*Commissioner.*

Exhibit C—rant.

## EXHIBIT "C."

28

United States of America, } ss.
Northern District of Illinois }

*The President of the United States of America, to the Marshals of the United States for any District respectively, and to their Deputies, or the Deputies of any of them or to any of said Deputies, Greeting:*

Whereas, complaint has been made on the oath of Dr. Walther Wever, Imperial German Consul at Chicago and for the Consular District comprising said Northern District of Illinois, before Mark A. Foote, a commissioner specially appointed and authorized by the District Court of the United States for the Northern District of Illinois, to execute the act of Congress entitled "an act for giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders" approved August 12, 1848, and the act entitled "an act to amend the act entitled " an act for giving effect to certain treaty stipulations between

bit C—War- this and foreign governments for the apprehension and delivering up
it, of certain offenders," approved June 22, 1860, that one Gergard Terlinden, alias Theodor Grafe, did at various times, to wit, within the months of March, April and May in the year A. D. nineteen hundred and one, within the jurisdiction and government of the Kingdom of Prussia, commit the crimes of Forgery and Counterfeiting and Utterance of forged instruments.

And whereas it is also shown in and by said complaint that the said Gerhard Terlinden, alias Theodor Grafe, was at the time of committing the said crimes of forgery and counterfeiting and utterance of forged and counterfeited instruments a resident in and a sub-
29 ject of the Kingdom of Prussia, and that he is a fugitive from the justice of the Kingdom of Prussia; that, on or about the first day of July nineteen hundred and one, he fled into the jurisdiction of the United States of America, for the purpose of seeking an asylum therein, and that the said crimes with which the said Gerhard Terlinden, alias Theodor Grafe is charged are embraced in the Treaty of Extradition between the United States of America and the Kingdom of Prussia concluded on the 16th of June 1852 and ratified May 30th, 1853.

These are therefore to command you, and each of you, forthwith to apprehend the said Gerhard Terlinden, alias Theodor Grafe, and to bring him before the said Mark A. Foote, Commissioner aforesaid, or before any other commissoner of the United States of America, duly authorized as aforesaid, or before any Justice of the Supreme Court, Circuit Judge or District Judge of the United States of America, to answer the premises, and further to be dealt with according to law and the provisions of said treaty.

In witness whereof, I have hereunto set my hand as such commissioner, at my office in said District this day of September nineteen hundred and one.

_____

*Commissioner.*

Endorsed: 9377. U. S. District Court, Northern District of Ill. In re. Gerhard Terlinden. Petition for Habeas Corpus. Filed Oct. 16, 1901, at o'clock M. T. C. MacMillan, Clerk. $10.00 Deposit. Albert W. May, A. C. Umbreit, Milwaukee.

30 And afterwards, to wit, on the 17th day of October, A. D. 1901, the following order was had and entered of record in said cause before the Honorable Christian C. Kohlsaat, Judge, towit:

In re petition of
9377 Gerhard Terlinden,
for a writ of habeas corpus.

Order of Oct. 1 1901, allowing writ to issue.

On motion of Albert W. May, Esq., Attorney for the relator in the petition filed herein and on notice to William Vocke, Esq., Attorney for the German Government, It is ordered that a writ of Habeas Corpus issue to John C. Ames, Marshal of the United States for the Northern District of Illinois, according to the prayer of said petition and that the said writ be made returnable on the twenty-first day of October, A. D. 1901, at the hour of ten o'clock A. M. of said day.

31 And afterwards, to wit, on the 17th day of October, A. D. 1901, there was issued out of and under the seal of said Court, in the above entitled cause, a Writ of Habeas Corpus, said Writ of Habeas Corpus being in the words and figures following, to wit:

32 IN THE DISTRICT COURT OF THE UNITED STATES,

For the Northern District of Illinois.

In the matter of the petition of
Gerhard Terlinden. } Habeas Corpus.

Return to writ habeas corpus Oct. 21, 1901.

*To the Honorable Christian C. Kohlsaat, Judge of the District Court of the United States, for the Northern District of Illinois.*

I, John C. Ames, to whom the attached writ is directed, hereby certify and make return to the writ of habeas corpus, issued in this case, that I am the Marshal of the United States, for the Northern District of Illinois, and that I arrested said petitioner within said District on the 26th day of September, 1901, upon a warrant duly issued by Mark A. Foote, a United States Commissioner specially appointed and authorized by the District Court of the United States for the Northern District of Illinois to hear applications for extradition and to issue warrants therefor, which said warrant was duly issued by said Commissioner upon a complaint duly made by Walther Wever, Imperial German Consul at Chicago as representative of the Kingdom of Prussia, charging said Gerhard Terlinden, who, it appears, falsely assumed in this country the name of Theodor Grafe, with having, as a subject of the Kingdom of Prussia and within the jurisdiction of the said Kingdom, committed the crimes of forgery, counterfeiting and the utterance of forged instruments, and with being

urn to writ of
abeas corpus,
led Oct. 21,
901

a fugitive from the justice of said kingdom of Prussia, and charging that the crimes with which said Gerhard Terlinden is charged are embraced in the Treaty of Extradition between the United States of America and the Kingdom of Prussia concluded on the 16th of June 1852 and ratified May 30th, 1853; and I further certify and return that I duly produced said petitioner at each and every hearing appointed and held before said Commissioner Mark A. Foote in the matter of said application, and after each and every hearing I
33 held said petitioner under commitment duly issued by said United States Commissioner and that I now hold the above named petitioner in my custody as such Marshal by virtue of a certain Commitment issued by Mark A. Foote, Commissioner as aforesaid, on the 26th day of September A. D. 1901. Copies of said warrant and of said commitment are attached hereto, directing me as said Marshal to forthwith commit the said petitioner to the jail of the County of Cook, State of Illinois, until he be discharged therefrom by due course of law.

Nevertheless I have the body of the said petitioner now before this Honorable Court.

Dated, this 21st day of October A. D. 1901.

JOHN C. AMES, *U. S. Marshal,*
By EDWARD ST. CLAIR, *Deputy.*

of commit- 34

## COPY OF COMMITMENT.

*The President of the United States of America, to the Marshal of the Northern District of Illinois, and to the keeper of the Common jail of the County of Cook in said District, Greeting:*

Whereas, Gerhard Terlinden alias Theodor Grafe, has been apprehended and brought before the undersigned, Mark A. Foote, United States Commissioner for the District aforesaid, for examination, by virtue of a warrant of the said Commissioner issued upon complainant made before him, in writing, on oath, charging the said Gerhard Terlinden, alias Theodor Grafe, with forgery, counterfeiting and the utterance of forged and counterfeited instruments in the Kingdom of Prussia and with now being a fugitive from the justice of said Kingdom.

And whereas, the examination of the said charges has been adjourned for good cause appearing, until the 16th day of October A. D. 1901, at ten o'clock A. M. Now, therefore, you the said Marshal, are hereby commanded that you convey the said Gerhard Terlinden, alias Theodor Grafe, to the said jail, and that you have him before the said Commissioner at his office in Chicago, in the said Dis-

trict, at the time so fixed for such examination, and thenceforth from day to day until conclusion thereof; And you, the said keeper of the said jail, are hereby commanded that you receive the said Gerhard Terlinden, alias Theodor Grafe, into the said jail, and him there safely keep, in accordance with the command hereof to the said Marshal.

Witness the hand and seal of the said Commissioner at Chicago aforesaid, this 26th day of September A. D. 1901, and of the Independence of the United States the 126th year.

(Signed) MARK A. FOOTE,
*U. S. Commissioner Nor. Dist. Ill.*

35

## RECEIPT OF JAILOR.

Receipt of jailor.

Received from John C. Ames, U. S. Marshal, Northern District of Illinois, the body of the within named, this 26th day of September A. D. 1901.

JOHN L. WHITMAN,
*Jailor Cook County.*

(Signature of Officer making Commitment.)
EDWARD ST. CLAIR.

United States of America, Northern District of Illinois. } ss.

I have executed this writ within my district by delivering the body of the within named Gerhard Terlinden, alias Theodor Grafe, to John L. Whitman, Keeper of the Cook County Jail, this 26th day of September A. D. 1901.

JOHN C. AMES, *U. S. Marshal,*
By EDWARD ST. CLAIR, *Deputy.*

Endorsed: (Original) No.———. Northern District of Illinois, Before Mark A. Foote, Commissioner, etc. The United States vs. Gerhard Terlinden, alias Theodor Grafe. Mittimus on Adjournment. Filed——189 . U. S. Commissioner.

of warrant. 36

## COPY OF WARRANT.

United States of America,
Northern District of Illinois. } ss.

*The President of the United States of America, To the Marshals of the United States for any District respectively, and to their Deputies, or the Deputies of any of them, or to any of the said Deputies, Greeting:*

Whereas, complaint has been made on the oath of Dr. Walther Wever, Imperial German Consul at Chicago and for the Consular District comprising said Northern District of Illinois, before Mark A. Foote, a commissioner specially appointed and authorized by the District Court of the United States for the Northern District of Illinois, to execute the Act of Congress entitled "an act for giving effect "to certain treaty stipulations between this and foreign governments "for the apprehension and delivering up of "certain offenders" ap- "proved August 12, 1848, and the act entitled "an act to amend the "act entitled 'an act for giving effect to certain treaty stipulations " 'between this and foreign governments for the apprehension and " 'delivering up of certain offenders'," approved June 22, 1860, that one Gerhard Terlinden, alias Theodor Grafe, did at various times, to wit, within the months of March, April and May in the year A. D. nineteen hundred and one within the jurisdiction and government of the Kingdom of Prussia, commit the crimes of Forgery and Counterfeiting and Utterance of forged instruments.

And whereas it is also shown in and by said complaint that the said Gerhard Terlinden, alias Theodor Grafe was at the time of committing said crimes of forgery and counterfeiting and utterance of forged and counterfeited instruments a resident in and a subject of the kingdom of Prussia, and that he is a fugitive from the kingdom of Prussia; that, on or about the first day of July nineteen hundred and one, he fled into the jurisdiction of the United States of America, for the purpose of seeking an asylum therein, and that the said crimes with which the said Gerhard
37 Terlinden, alias Theodor Grafe is charged are embraced in the Treaty of Extradition between the United States of America and the Kingdom of Prussia concluded on the 16th of June 1852 and ratified May 30th, 1853.

These are therefore to command you, and each of you, forthwith to apprehend the said Gerhard Terlinden, alias Theodor Grafe, and to bring him before the said Mark A. Foote, Commissioner aforesaid, or before any other Commissioner of the United States of America duly authorized as aforesaid, or before any Justice of the Supreme Court,

Return to writ of habeas corpus filed Oct. 21, 1901.

Circuit Judge or District Judge of the United Sates of America, to answer the premises, and further to be dealt with according to law and the provisions of said treaty.

In witness whereof, I have hereunto set my hand as such Commissioner, at my office in said District, this 25th day of September nineteen hundred and one.

MARK A. FOOTE,
*Commissioner.*

Rec'd this warrant on the 26th day of Sept. A. D. 1901 at Chicago, Ill., and have executed the same by arresting the within named Gerhard Terlinden alias Theodor Grafe, at Chicago, Ill's the 26th day of Sept., A. D. 1901, and have his body now in Court as within, I am commanded.

JOHN C. AMES, *U. S. Marshal.*
EDWARD ST. CLAIR, *Deputy.*

38 District Court of the United States of America, } ss.
Northern District of Illinois. }

Writ.

*The United States of America To John C. Ames, Marshal of the United States, for the Northern District of Illinois—Greeting:*

We command you that you do on Monday, October 21, 1901, at ten o'clock A. M., without excuse or delay, bring or cause to be brought before the District Court of the United States of America, for the Northern District of Illinois, now sitting in the Court Room of said District Court, in the City of Chicago, in said District, the body of Gerhard Terlinden, by whatever name or addition he is known or called, and who is unlawfully detained in your custody, as it is said, together with the day and cause of his caption and detention then and there to perform and abide such order and direction as our said District Court shall make in that behalf. Hereof make due return under the penalty of what the law directs.

To the Marshal of the Northern District of Illinois to execute.

Witness the Hon. Christian C. Kohlsaat, Judge of the District Court of the United States of America, at Chicago, aforesaid this 17th day of October, in the year of our Lord one thousand nine hundred and one and of our independence the 126th year.

T. C. MACMILLAN,
*Clerk.*

Indorsed: Filed Oct. 21, 1901, at o'clock M. T. C. MacMillan, Clerk.

39 And afterwards, to-wit, on the 21st day of October, A. D. 1901, the following order was had and entered of record in said cause before the Honorable Christian C. Kohlsaat, Judge, to-wit:

In re petition of
9377 Gerhard Terlinden
for writ of habeas corpus.

Oct. 21 This cause coming on to be heard on the return of the United 28, 1901. States Marshal to the writ of habeas corpus heretofore issued herein, come the parties by their attorneys and the relator in custody of the Marshal, and after arguments of counsel the Court not being now fully advised in the premises, it is Ordered that this matter be further submitted to the Court on briefs to be filed in five days and that this matter be set down for further hearing on October 28, A. D. 1901, at ten o'clock A. M.

40 And afterwards, to-wit, on the 28th day of October, A. D. 1901, the following order was had and entered of record in said cause before the Honorable Christian C. Kohlsaat, Judge, to-wit:

In re petition of
9377 Gerhard Terlinden
for a writ of habeas corpus.

This matter coming on to be heard on the return of the Marshal to the writ of habeas corpus issued herein come the parties by their attorneys and on motion It is Ordered by the Court that the hearing of said matter be and the same is continued until to-morrow morning at ten o'clock.

41 And afterwards, to-wit, on the 28th day of October, A. D. 1901, there was filed in the Clerk's Office of said Court, in the above entitled cause, a Traverse to return; said Traverse to Return being in the words and figures following, to-wit:

42 DISTRICT COURT OF THE UNITED STATES,

Northern District of Illinois.

In re Habeas Corpus
Gerhard Terlinden.

Traverse, filed Oc 28, 1901.

The above named petitioner, traversing the return of the U. S. Marshal to his petition herein, alleges that on the twenty-sixth (26th) day of September 1901, a complaint was filed with Mark A. Foote, Erquire, United States Commissioner upon which a warrant was issued and your petitioner arrested; that with such complaint so iussed there were filed copies of the original testimony and translations of the same contained in depositions taken before certain court officers in the Empire of Germany, relative to the alleged officers with which said complaint charges your petitioner; that said complaint refers to said deposition so filed in words following, to-wit:

"And the undersigned also brings here and files herewith a duly verified English interpretation of all of said German instrument";

and also refers to said deposition in words, as follows, to wit:

"And the undersigned herewith submits to the commissioner and files with this complaint a copy of all depositions of witnesses taken in said matter, together with a copy of the warrant of arrest issued by said court against the said Gerhard Terlinden, alias Theodor Graefe and of the provisions of the Penal Code of the German Empire applicable to said several crimes and providing punishment therefor."

That the provisions of the Criminal Code of the German Empire applicable to the facts and circumstances of this case as shown
43 by the evidence hereto annexed are sections 240, 47, 49 first paragraph; section 360 fourth and fifth paragraphs; section 275 and section 56 of the Code of Criminal procedure, also section 234 of the Civil Code, a correct translation of which sections are hereto annexed and marked Exhibit "B" and made a part hereof.

That said depositions so filed do not show or tend to show that your petitioner is guilty of any extraditable offense; that a copy of said deposition so referred to in said complaint and heretofore filed with said commissioner is hereto attached marked Exhibit "A" and made a part of this traverse.

Wherefore your petitioner prays that the return of the U. S. Marshal herein be dismissed and your petitioner discharged.

GERHARD TERLINDEN,
*Petitioner.*

State of Illinois
Cook County. } ss.

Gerhard Terlinden being first duly sworn on oath deposes and says that he has heard read the foregoing traverse and understands the contents thereof; that the same is true of his own knowledge except as to matters therein alleged upon information and belief, and as to such matter he believes it to be true.

GERHARD TERLINDEN.

Subscribed and sworn to before me this 25th day of October, A. D. 1901.

WILL T. DAVIS,
*Notary Public.*

[SEAL]

al code, 44
. 240, 47.

## EXHIBIT "B."

### CRIMINAL CODE, SECTION 240.

Any person who shall, unlawfully and forcibly or by threatening a felony or misdemeanor, compel another to do, suffer or omit an act, shall be punished by imprisonment not more than one year or by a fine not exceeding 600 Marks.

The attempt is punishable.

### Same. Section 47.

If several persons commit a crime jointly, each shall be punished as principal.

### Same. Section 49 (1st paragraph).

Any person who has, knowingly by counsel or deed, assisted the prinicpal in the commission of a felony or misdemeanor, shall be punished as an accomplice.

### CRIMINAL CODE, SECTION 360.

Every person shall be punished by fine not exceeding 150 Marks, or by confinement.

1. * * * *
2. * * * *
3. * * * *
4. * * * * who shall, without a written order from a public authority, make or deliver to any person other than the authority dies, seals, engravings, plates, or other forms that may be used to make specie or paper money, or make such papers as are considered equivalent to paper money under Section 149, or stamped

Criminal code, Secs. 360, 234

paper, tax-stamps, stamped blanks, stamp impressions, postage or telegraph stamps, public receipts or certificates.

5. * * * * who shall without written order from a public authority, undertake to make impressions from the dies, seals, engravings, plates or forms mentioned in subdivision 4, or to print blanks for the public papers, certificates or receipts described therein, or who shall furnish any impression to any other person than the public authority.

Same. Section 275.

Every person shall be punished by imprisonment not less than three months, who

1. Shall knowingly make use of false or forged stamped paper, false or forged tax-stamps, stamped blanks, stamp impressions, postage or telegraph stamps or stamped envelopes.

2. Shall with intent to use the same as genuine make false stamped paper, false tax-stamps, stamped blanks, or stamp impressions for playing cards, passports or other printed matter or documents or false postage or telegraph stamps or stamped envelopes;

3. Shall, with the intent to use the same at a higher value, forge genuine stamped paper, genuine tax-stamps, stamped blanks, stamp impressions, postage or telegraph, or stamped envelopes.

Civil code, Sec. 234

## Civil Code—Section 234.

Negotiable instruments are available as securities only in case they are drawn in favor of the holder, are marketable on 'Change and belong to a class in which the funds of wards may be invested. Papers made out to order and endorsed in blank are equivalent to papers in favor of the holder.

Interest—rent—dividend—and renewal coupons, must be deposited with the negotiable instrument.

Negotiable instruments shall be taken as security only in the amount of three fourths of their value quoted on 'Change.

## Code of Criminal Procedure, Section 56.

Nobody shall be sworn

1. * * * *

2. * * * *

3. * * * * who is under suspicion, or already sentenced, as accomplice, or accessory before or after the fact in the crime forming the subject of the examination.

sition of
ear Heinrich.

State of Wisconsin, } ss.
Milwaukee County. }

Oscar Heinrich, being first duly sworn, on oath deposes and says, that he is a resident of the City of Milwaukee, Wisconsin, and has been such for the past fifteen years; that he spent several years in Germany and there studied law for the purpose of becoming a practicing attorney in that country; that he is familiar with and knows the provisions of the Constitution, Civil and Penal Code of the German Empire now in force; that he is conversant with and understands both the German and English languages; that he has made the annexed translations of certain sections and parts of sections of the German Constitution and the German Civil and Penal Codes, and that said translation is a correct, fair and full translation from the German into the English language; that from his own knowledge he knows that the translations hereto annexed are the translations of the official and authentic provisions of the Constitution, Civil and Penal Codes of the German Empire, as they now exist, indicated by the number of the article, or section, or parts of articles or sections, as identified by the proper reference found at the beginning of each article, section or part of article or section, found in the annexed translation.

OSCAR HEINRICH.

Subscribed and sworn to before me this 19th day of October, 1901.

A. C. UMBREIT,
*Notary Public, Milwaukee, Wis.*

47 ROYAL CIRCUIT COURT (LANDGERICHT).

Present:
Circuit Judge Dr. Vygen as examining judge.
Bergefurth as clerk.

Duisburg, August 21, 1901.

In the penal matter against the factory director Gerhard Terlinden for forgery of instruments there appeared the following named witnesses:

The witnesses having been made acquainted with the subject matter of the investigation and the person of the accused, were separately and each in the absence of the witnesses to be heard later, examined as follows, after their attention had been called to the import of the oath:

Exhibits to Traverse.

First witness: After being duly sworn as witness: My name is Ludwig Schulte, boss painter. I am 31 years old, of the evangelical confession, not related to the accused by blood or marriage.

As to the subject matter: In March 1901 I was one day directed by Terlinden to engrave and etch upon a steel plate an eagle and a circumscription in accordance with a pattern, namely in the manner in which I usually make plates of that kind for the press in preparing paintings. The pattern given me was a closely clipped piece of paper. On the back the paper was soiled. On the face was an eagle, under it the number 38 and around it a circumscription which read: "Imperial Stamp Duty, two per centum." The pattern given me looked exactly like the impress of stamp 38. Since Terlinden's demand appeared to me to be peculiar, I looked at him in astonishment. Terlinden thereupon said to me: "You needn't look at me so stupidly. You may safely do that. I take that upon myself. I have blundered a little and do not want to expose myself to blame. I don't want to put my head in the hole. I need it only for two things. You must make that. If you don't make it you can't keep your position, then I discharge you."

48 Since I took Terlinden for an honest and pious man and was afraid of losing my position, I made the plate according to direction in the factory, respectively in the office. For I wish to mention that at that time I was as well as to-day employed in the Terlinden works as poss-painter and master-enameler.

Some little time later about April of this year, one evening towards eight o'clock I did by Terlinden's order together with the then night watchman and now gatekeeper, Wissinger, bring a press from the paint shop to the office of Miss Barth. That room is a private office in the warerooms. As Wissinger told me the press was brought back to the paint shop next morning by a hired girl and himself. Afterwards I did not see the plate again except on the occasion on which I had to give Kosbadt an illustration of making an impress.

On the evening when in the spring of this year I took the press from the paint shop to the private office in the upper floor, Terlinden after a little while came to me while I was still standing downstairs with the gatekeeper or in the kutchen, and said I should go and get a new plate with flower patterns which, as he knew, I had shortly before prepared. I thereupon got this plate and went with it to the private office which is located upstairs in the private dwelling of Terlinden on the same floor to which I had theretofore brought the press. When I was upstairs in the room I made prints from the flower plate. After I had been there a short time Miss Barth came in and Terlinden said to me I should show the Miss how to do that. I then briefly showed her how to go and do it, without, however,

Edition of Ludwig Schulte.

instructing her *very minutely*. And she did not inquire more closely concerning it and made no tests in my presence. Soon thereafter I went away, and I believe Miss Barth had already left before me. But before I went away Terlinden called the business manager Kosbadt upstairs by telephone. Kosbadt came and brought along the plate with the eagle stamp made by me. He had the same in his
49 hand. Thereupon Terlinden said to me: "Now show Kobadt how to do it," which I did accordingly, whereupon Terlinden said: "Now you may go." Thereupon I went. After I had made the plate with the eagle for Terlinden I had upon his behest to prepare the color like that which the stamp pattern had that Terlinden showed me. So I did this in a little pot. After that Kosbadt had me called and told me that the little pot with red color which I had made had been broken. I should make new color. So I did that. Terlinden was present when the direction was given me. He said I should make a little more, he wanted to use it for his hand stamp because the color was so nice.

The small bottle which the examining magistrate confiscated a few days ago is the same in which I prepared the color. I delivered it to the business manager Kosbadt at the time. Terlinden was familiar with the process of making imprints from plates on the press.

Read, approved and signed.

LUDWIG SCHULTE.

Second witness, after being duly sworn as witness: My name is Heinrich Schulte, dealer in railroad supplies, 34 years old, of evangelical religion, not related to the accused either by blood or marriage. As to the subject matter:

There was submitted to the witness the draft dated Oberhausen April 29th, 1901 for M9582.35. The draft reads as follows:

pr.———

M330584

Oberhausen (Rhineland) the 29th of April, 1901.

For 9582.35 Mks.

On the 30th day of July, a. c/ pay upon this first of exchange to the order of Barmer Bank Vereins Heinsberg Fischer & Co, the sum of marks nine thousand five hundred and eighty two and 35 Pfgs. for value received, and charge the same to our account as per advice

Exhibits to Traverse.

Gerhard Terlinden Akt–Ges
Kosbaldt p pa. Mueller

Mr. Heh. Schulte
Sterkrade.

Payable at branch of Imperial Bank, Oberhausen, Rhineland.
No. 35805.

(Across end:) First of Exchange. Gerhard Terlinden Stock Co., Oberhausen Rhineland. Hch. Schulte.

The witness deposes: "I did not write the acceptance upon this draft. I was formerly up to about the year 1895 foreman with Terlinden. Later on I made myself independent against his wish. Then he aided me. Then I gave him acceptances as accommodation. Later Tenlinden told me I should let him have my draft booklet in which I wrote drafts and should sign a few drafts in blank as acceptor. That would be so simple and he would not cheat me any way. So I let him have the booklet and rather often signed acceptances both in blank as well as such as were filled up. Then he made such drafts payable at the Imperial Bank and there redeemed them. I againt repeat that the acceptance of the draft shown to me is not mine."

Read, approved, signed.

HEINRICH SCHULTE.

The witnesses were sworn according to Par. 328, II of the code of criminal procedure. The witness Seven who was also summoned did not appear. A letter of excuse had arrived from him. He was summoned by telegraph for this afternoon.

Done as above.

Signed, DR VYGEN, *Circuit Judge.*
BERGERFURTH, *Clerk.*

Done at Duisberg the 21st of August, 1901.

In the Royal Chief Revenue Office.

In the matter of the investigation against Terlinden *et al*, the undersigned members of the court betook themselves this forenoon to the Royal Chief Revenue Office. There was found there the Revenue Councillor Mr. Rothe, who declared upon inquiry that the official who could give information from his own knowledge of the stamping of the Terlinden stock certificates was Chief Clerk Mr. Jahn. The latter soon appeared and was examined as a witness after his attention had been called to the import of an oath as follows:

After taking the witness oath, as to the person: My name is Emil Jahn, I am 35 years of age, of evangelical religion, not related to the accused by blood or marriage.

As to the subject matter: The stock company Gerhard Terlinden has twice during the last year presented certificates of stock to be stamped. For this stamping I handed out stamp No. 38 two per centum and after I had counted the certificates the stamping was executed with that stamp by subaltern officials. The stamp imprints now shown me and submitted by the Royal Chief Revenue Office on August 13th of this year are imprints of the same stamp and the same color with which the above mentioned Terlinden shares were here stamped.

Read, approved, signed,

EMIL JAHN, *Chief Clerk.*

Emil Clerk

The oath was administered to the witness in accordance with par. 322–II of the code of criminal procedure.

For authentication signed:

DR. VYGEN, *Circuit Judge.* BERGERFURTH, *Clerk.*

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52 ROYAL CIRCUIT COURT.

Present:

Circuit Judge Dr. Vygen as examining judge.

Bergenfurth as Clerk.

Duisberg, August 21, 1901.

In the penal matter against the factory director Gerhard Terlinden *et al* for forgery of instruments, there appeared, summoned Heinrich Latwesen of Barmen, the member with personal liability of the limited stock company Barmer-Bank-Verein Heinsberg-Fischer & Co. domiciled at Barmen.

The witness having been made acquainted with the subject matter of the investigation and with the person of the accused was separately and in the absence of the witnesses to be heard later examined as follows:

First witness: After taking the witness oath.

As to the person: My name is Heinrich Latwesen, I am 37 years old, of evangelical religion, not related to the accused by blood or marriage.

As to the subject matter: About in April or May of this year the Barmer Bank Verein was in doubt whether the drafts which it had in its hands from Terlinden were drawn against actual deliveries of goods as Terlinden had maintained particularly to me. For this reason an examination of the books of the Gerhard Terlinden Stock Company by my colleague Arrioni and another official in Oberhausen took place. In particular the invoice copy book was submitted to Director Arrioni that is to to say, the books into which the original invoices alleged to have been sent out were copied. It appeared that

Exhibits to Traverse.

the original invoices corresponded with the amounts of the drafts. This had come to my knowledge as well from a report in our files and also from personal statements of Director Arrioni who is at present absent on a trip to a watering place. Later on when the crash came, it became apparent, however, that the invoices which were submitted in the copy book were in fact fictitious. If this had in
53 any way appeared at the time of revision, or only an indication theref, we should not have kept on taking the drafts.

Read, approved, signed,

HEINRICH LATWESEN.

The attention of the second witness was called to the import of the oath.

After being duly sworn.

As to the person: My name is Wilhelm Seven, dealer in hardware and master blacksmith. I am 44 years old, of the evangelical confession, not related to the accused by blood or marriage.

As to the subject matter. There were submitted to the witness the two drafts acceptances of the 27th and 18th of April, 1901 for 26250 marks respectively 25912.45 marks, which read as follows, to-wit:

M 330532

Oberhausen, Rhineland, the 27th of April, 1901.

For m 26250

On the 30th of July, 1901 pay aainst this 1st of exchange to the order of Barmer Bank Verein Heinsberg-Fischer & Co. the sum of Marks six and twenty thousand two hundred and fifty, for value received, and charge same to account as per report.

To Mr. Wilhelm Seven,
Essen on the Ruhr,
Grabenstrasse
11/15

Gerhard Terlinden Stock Co.

(Sig) Kosbadt, p. pa. Miller

No. 25002.

(On the end of draft:)

First of Exchange
Gerhard Terlinden Stock Co.,
Oberhausen, Rhineland.
Will. Seven.

dition of Wil-
m Seven.

M 128966

Oberhausen Rhineland, the 18th of April, 1901.

For M 25912.45

On the 21st day of July, 1901, pay against this first of exchange to the order of the Barmer Bank Verein Heinsberg Fisher & Co., the sum of Marks Twenty five thousand nine hundred and twelve and 45 pfgs. for value received and charge same to account as per report.

To Mr. Wilhelm Seven,
Essen (on-the-Ruhr)

Gerhard Terlinden Stock Co.,
Sig. Kosbadt, p pa. Mueller

Grabenstrasse 11/15
(On the end of draft:)
First of Exchange
Gerhard Terlinden Stock Co.,
Oberhausen, Rhineland.
Wilh. Seven.

And the witness deposed: I did not execute the two acceptance signatures Wilhelm Seven. This I can say with absolute certainty, but I cannot testify who did execute the signatures. I was originally a master locksmith, afterwards I began in connection therewith a hardware business. In the year 1894 or in the latter part of 1893 I already entered into business relations with Terlinden. In the beginning I paid Terlinden for the goods generally in cash Afterwards when Terlinden made me cash advances for my house purchase I gave him for the advances draft acceptances. At first I then still paid for goods. As the drafts always became larger I at last, especially in the last two years no longer paid for the goods. My arrangement with Terlinden now was to the effect that the drafts should be as far prolonged until I was in a position to pay the same. Terlinden sent me drafts for acceptance in amounts as suited him. Generally there was at the upper right hand corner of the draft, the date when drawn and the date when due. Often however only the amount of the draft was given. I then provided the drafts with the acceptance and returned them. The two drafts shown to me here were not submitted to me for my signature. As a general rule I placed the acceptance upon the drafts at my house in Essen. In former years it happened to me exceptionally that I placed the acceptance upon the drafts at Terlinden's business rooms, but during the last year I signed in no case drafts in Terlinden's business rooms. As soon as I had accepted the drafts I entered them upon a book with the amount
55 of the drafts and the dates when the drafts matured.

I always had the money promptly sent to me by Terlinden. The two drafts this day shown to me do not appear in my book because they were not accepted by me.

Read, approved, signed.

WILH. SEVEN.

The oath was administered to the witness in accordance with Par. 328 II of the code of criminal procedure.

For authentication:

Sig. Dr. Vygen,
*Circuit Judge.*
Bergerfurth,
*Clerk.*

Royal Circuit Court.

Present:
Circuit Judge Dr. Vygen, as examining magistrate.
Bergerfurth, as clerk of court.

In the penal matter against Gerhard Terlinden *et al* for forgery of instruments there appeared at the instance of the Receiver in bankruptcy attorney Dr. Schultz, the civel engineer and director of the Hanover Brunswick Mining Co., a stock company, Alois Weiskopf of Hannover.

The witness having been made acquainted with the subject matter of the investigation and the person of the accused, was examined as follows, after his attention had been called to the nature of the oath.

1st witness: My name is Alois Weiskopf, civil engineer, 30 years of age of the mosaical faith.

As to the subject matter. I made the first investigations on the 30th of July of this year at the order of the Bank for Commerce and Industry in Berlin after the Terlinden crash occurred.

56 I first found in the secret room of Miss Barth stock certificates without numbers and stamps printed by Kuehne in Oberhausen. In the office used by Terlinden and Kosbadt I found unstamped numbered stock certificates printed by Gieseke & Devrien in Leipsic and by Bagel in Muelhlheim on-the-Ruhr. The stock certificates of the first issue are the certificates from 1 to 1800 and are printed by Geiseke & Devrien and are entered in the stock book. This issue was made in the year 1897. The second stock issue was made in the year 1900. Concerning this issue there is nothing whatever contained in the stock book. The stock certificates of this issue were prepared by Kuehne in Oberhausen, but also by Jockover in Duesseldorf and Bagel in Muehlheim on the Ruhr. This issue must have amounted to 1700 certificates. Concerning seventeen hundred certifictes made by Bagel, an invoice was issued on the 21st of July, 1901, so that consequently Bagel provided for the entire demand of stock certificates but besides Jockover and Kuehne also made certificates. There is no doubt that Terlinden as the head of the Terlinden Stock Company caused an entire iseries of stock certificates to be reprinted under old

ition of Alois skopf.

numbers and then provided them with a false imperial stamp or caused it to be done. The numbers evidently he also had imprinted upon the stock certificates himself. It is known to me that there were deposited by Terlinden in different banks at the same time certificates bearing the same numbers, so that one or the other of these stock certificates was certainly forged. Thus I know that there are lying in the Amsterdamsche Bank in Amsterdam the stock certificates number 1803 to 1935; that is, that in May of this year they were given by Terlinden as security; and that with Veit & Homburgher in Carlsruhe there lie also, given as security by Terlinden, the stock certificates numbered 1801 to 2220, hence the stock certificates
57 in the Amsterdamer bank are identical with those in the hands of Veit and Homburgher. I can therefore say positively that the certifiecats were forged by Terlinden in large amounts and given to different banks as security. As to the exact amount the extent cannot as yet be stated.

The method which Terlinden pursued in uttering the stock certificates was as follows:

He caused the banks to make him advancements and to open a credit. For this he perhaps gave forged stock, paid 6% Lombard interest and secured to the banks either one half, but at least nine per cent of the share of the profits upon each certificate of stock. In this manner he placed the false and genuine stock certificates with the different banks. He was the only stockholder of his company.

Read, approved, signed.

ALOIS WEISKOPF.

The oath was administered to the witness in accordance with Par. 328, 2 of the code of criminal procedure.

For authentication:

DR. VYGEN,
*Circuit Judge.*
BERGERFURTH,
*Clerk.*

Done at Oberhausen in the District Court Building on the 22nd day of August, 1901.

In the matter of the investigation against Gerhard Terlinden, factory director, *et al.*

The undersiguned officers of the court this day betook themselves to the above mentioned court building where they found the following named witnesses. The witnesses were made acquainted with the subject matter of the investigation and their attention having
58 been called to import the oath, they were thereupon separately and each in the absence of the witnesses to be heard later examined as follows:

Exhibits to Traverse.

The agent of the management of the Discontogesellschaft, Walter Schlauch, residing at Charlottenburg, after being duly sworn. As to the person;

My name is Walter Schlauch, I am 43 years old, of the evangelical confession, not related to the accused either by blood or marriage.

As to the subject matter:

In May of this year an arrangement was made between Terlinden and the management of the Discontogesellschaft in Berlin to the effect that the Discontogesellschaft should grant to the accused Gerhard Terlinden personally a credit of 400,000 Marks. Terlinden on the other hand obligated himself to deliver to the Discontogesellschaft as pledge stock certificates of the Gerhard Terlinden Stock company of the par value of 400,000 Marks. Terlinden sent these certificates by letter of the 22nd of May, 1901. There were 400 of them —to the Discontogesellschaft. The certificates bear the serial numbers 2901 to 3300, are dated Oberhausen in August, 1900 and all bear the same circular eagle-stamp with the circumscription "Imperial Stamp Duty 38 2 per centum."

I deliver herewith for the files one of the 400 stock certificates sent to us, which bears the numbers 2901 and otherwise reads as follows, to-wit:

Marks 1000.

Gerhard Terlinden Stock Company

of Oberhausen.

{Imperial Stamp Duty 38 Two per centum.} Stock certificate No. 2901.

For one thousand Marks.

59 The holder of this certificate is interested to the amount of one thousand marks in the Gerhard Terlinden Stock Company at Oberhausen as shareholder with all statutory rights and liabilities.

Oberhausen in August 1900.

Gerhard Terlinden Stock Company,
The Board of Control,
sig. Winterberg.
The Board of Mgrs.
sig. Gerh. Terlinden.

Entered in the Stock book
folio 30
sig. kosbadt.

(Gustav Jockover Duesseldorf 5517.)

ition of Wal- Schlauch.

The other certificates of stock in the possession of the Discontogesellschaft correspond fully with this certificate except as to the consecutive number and the folio of the stock book. I hereby deliver for the court files the original writing of Terlinden to the Discontogesellschaft at Berlin of the 22nd of May, 1901 with which the before mentioned stock cretificates were transmitted and in which the legal relations are laid down. This writing reads as follows:

Gerhard Terlinden
Telephone No. 27. 175073.

Oberhausen, Rhineland the 22nd of May, 1901.

Managers of the Discontogesellschaft,
Berlin, W.

Having returned from my trip I find your esteemed lines of the 20th inst. and confirm your advice that you are ready to grant to me a credit of four hundred thousand marks upon my depositing with you 400,000 marks par value of the stock certificates of the Gerhard Terlinden Stock Company, which credit is to be used by the Gerhard Terlinden Company by means of three months drafts drawn on you. I allow you for this transaction a commission of one third as a per cent and grant you in addition to possible interest to be figured to 60 one per cent higher than bank discount rate, a compensation equal to one fourth of the dividends accruing upon the stock certificates pro rata temporis. Should I proceed to place the stock certificates of the Gerhard Terlinden Stock Company on the market I shall communicate with you in this regard.

In two mail packages registered and insured I caused to be sent to jou for your kind use 400,000 marks par value stock certificates of the Gerhard Terlinden Stock Company, 400 pcs. Nos. 2901-3300 together with coupons and dividend certificates for 1901.

Herewith I also send to you in eight sections of Mk. 50,000 each Mk. 400,000 of own drafts of the Gerhard Terlinden Stock Co. due 23rd of August of the present year, which you will please discount for the drawer.

The value I request you to remit to me through the Gerhard Terlinden Stock Company, by check of the Reichsbank.

Very respectfully,

GERHARD TERLINDEN.

(Eight enclosures)
To be registered.

This letter has just been read to me and corresponds with the original letter delivered by me to be placed among the files.

Read, approved, signed.

DR. WALTER SCHLAUCH.

Witness and expert Arnold Bauer, attorney at law and notary. Deposition of Arnold Bauer.

Upon being sworn as witness and expert:

As to the person: My name is Arnold Bauer, I am 38 years old, belong to the evangelical confession, am not related to the accused by either blood or marriage.

61 As to the subject matter:

In my capacity as notary I have frequently certified the signatures of Terlinden and have otherwise seen many signatures of Terlinden.

The signature of Terlinden under the letter to the Discontogesellschaft at Berlin under the date of the 22nd of May, 1901 and now shown to me by the previous witness is the genuine and true signature of the accused Terlinden. I can assert this upon strength of my knowledge of said signature to the best of my knowledge and with full positiveness.

Read, approved, signed.

ARNOLD BAUER.

The oath was administered to the witness in accordance with Par 328–II of the code of criminal procedure.

The undersigned court officers thereupon proceeded from Oberhausen to Duisburg where at the seat of court there was examined the witness Emil Jahn, Chief clerk of the Royal Revenue Office at Duisburg, duly summoned. The witness was made acquainted with the subject matter of the investigation, his attention was called to the import of the oath, and he was thereupon examined as follows:

After being duly sworn: Deposition of Emil Jahn.

My name is Emil Jahn. I am 35 years old, belong to the evangelical confession and am not related to the accused either by blood or marriage.

As to the subject matter:

In addition to my deposition made yesterday I can testify from my own knowledge also to the following:

The Imperial stamp No. 38 with which the stock certificates were stamped which were presented by Terlinden to the Chief Revenue Office at Duisburg to be stamped is a stamp with which the No. 38 is only used by the Chief Revenue Office at Duisburg. Other offices have other numbers. On the 24th of August, 1900 Terlinden

62 presented 400 certificates each for one thousand marks, to be stamped. The certificates bore the serial numbers from 1800 to 2200 inclusive. The stamping was caused to be done and completed on the same day with the Imperial stamp No. 38 under my control. Further Terlinden presented on the 14th of September,

ition of Emil 1900 1300 stock certificates of the Gerhard Terlinden Stock company, each of one thousand marks to be stamped. These certificates bore the consecutive numbers 2201 to 3500. The stamping of the certificates with the Imperial Stamp No. 38 was also done and completed on the same day. The certificates were in both cases counted by me and found to be correct with the stated numbers. Besides the assistant who did the stamping with the machine under my control, was directed to give to me such certificates as did not correspond with the stated numbers or certificates bearing the same number and not to stamp them. It is therefore entirely excluded that the stock certificates bearing the same numbers were presented to us by Terlinden for stamping and were stamped by us. After the 14th of September, 1900, no stock certificates of the Gerhard Terlinden Stock Company were presented by Terlinden or by any other person to the Royal Revenue Office at Duisburg for stamping.

I do not know by whom the stock certificates presented to us were printed.

EMIL JAHN,
*Chief Clerk of the Revenue Office.*

The oath was administered to the witness in accordance with Par. 326 II of the code of criminal procedure.

For authentication:

DR. VYGEN,
*Circuit Judge.*
BERGERFURTH,
*Clerk.*

Duisburg, the 22nd day of Augsut, 1901.

In the penal matter against Gerhard Terlinden, factory director et al, this day appeared upon being duly summoned the following named witnesses:

n of 63 Dr. Julius Adolf Endemann of Hannover, Director of the
A. Hannoverian Bank.
ann.

The attention of the witness having been called to the import of the oath and having been made acquainted with the subject matter of the investigation the witness testified after being duly sworn as follows:

As to the person: My name is Dr. Julius Adolf Endemann, 36 years old. I belong to the evangelical confession, am not related to the accused by blood or marriage.

As to the subject matter: Between the accused Terlinden and the Hannoverian Bank there was concluded on the 15th of September,

Exhibits to Traverse

1900, Terlinden was on said day personally present at said Bank in Hannover, the following agreement:

The Hannoverian Bank granted to the accused Terlinden personally a loan of eight hundred thousand marks (800000). Terlinden on the other hand gave in pledge eight hundred certificates of stock of the Gerhard Terlinden Stock Company of the par value of 1000 Marks each. In carrying out this agreement we granted the loan and Terlinden sent us on the 18th day of September, 1900, eight hundred certificates of the Gerhard Terlinden Stock Co. of the par value of 1000 Marks each which we took into safe keeping. These certificates of stock bore the consecutive numbers 2701 to 3500. Of these certificates I herewith deliver one, namely 2901. This certificate reads as follows

G T.

Gerhard Terlinden Stock Company of Oberhausen.

| | |
|---|---|
| Imperial Stamp Duty 38 Two per centum. | Stock certificate No. 2901. For one thousand Marks. |

The holder of this certificate is interested to the amount of one thousand marks in the Gerhard Terlinden Stock Company, at
64 Oberhasen as shareholder with all the statutory rights and liabilities.

Oberhausen, Rhineland, in August 1900.

Entered in Stock Book
Folio 30.
signed: Barth.

Gerhard Terlinden Stock Co.
The Board of Control
signed Wintenberg.
The Board of Management
Signed Gerhard Terlinde

Marks 1000.00 Marks

(Printing Office Richard Kuehne, Oberhausen.)

We have had the stock certificates delivered to us by Terlinden uninterruptedly in our possession until this day.

There was then submitted to the witness the stock certificate bearing the like number 2901 and delivered this forenoon by the witness Schlauch, whereupon he deposed: Since the managers of the Disconto Gesellschaft in Berlin hold the same certificate with the same number, either the certificate No. 2901 which has been given to the managers of the Disconto Gesellschaft in pledge or the No. 2901 which has been given to the Hannoverian Bank in pledge is forged. Being now further advised from the deposition of the witness Schlauch that the managers of the Disconto Gesellschaft have received in pledge the stock certificates 2901 to 3300 of the Gerhard Terlinden Stock

Company in May of this year either said stock certificates or the certificates bearing the same numbers which are in pledge with us and which Terlinden gave in pledge before, namely, in September, 1900 are false. Indeed, all that which I have testified to with reference to the stock certificate 2109 applies to all the stock certificates which bear the serial numbers 2901 to 3300. I will add that all the certificates of stock of the Gerhard Terlinden Stock Co. in the possession of the Hannoverian Bank exactly correspond with the copy 2901 presented by me herewith, all bear the same circular eagle
65 stamp with the circumscription Imperial Stamp Duty 38 two per centum, as does also the certificate shown to me and presented by the witness Schlauch from the possession of the managers of the Discontogesellschaft. Berlin.

Read, approved, signed.

DR. ENDEMANN.

The oath was administered to the witness in accordance with Par. 328 2 of the Code of Criminal procedure.

(Signed) DR. VYGES,
*Circuit Judge.*
BERGERFURTH,
*Clerk.*

It is hereby certified that the foregoing copies of the record correspond with the original depositions on file herein.

Duisburg, 22nd of August, 1901.

LADWIG,
*Clerk of the Royal Circuit Court.*

(Seal of Royal Prussian Circuit Ct. at Duisburg.)

The foregoing signature of the Clerk of the Royal Circuit Court, Ladwig, is hereby authenticated.

Duisburg, 22nd of August, 1901.

THE PRESIDING JUDGE OF THE CIRCUIT COURT
By RICHL, *Associate Judge.*

(Seal of Royal Prussian Circuit Ct. at Duisburg.)

This signature is hereby authenticated.

Berlin the 29th of August, 1901.

THE MINISTER OF JUSTICE.
By LUCAS.

(Seal of Ministry.)

66 (Copy of depositions contains the photograph of a man.)

Upon the faith of the files in this investigation it is hereby certified that the adjoined likeness is that of the accused.

Duisburg, the 22nd of August, 1901.

THE EXAMINING JUDGE OF THE ROYAL CIRCUIT COURT,
DR. VYGEN, *Circuit Judge, acting.*

The foregoing signature of Dr. Vygen, Circuit Judge, appointed by bench order of the Royal Circuit Court at Duisburg, of the 5th of July, 1901 to take charge of the duties of the examining judge for the period of August 16th to 31st is hereby authenticated. Certificates.

Duisburg, August 22nd, 1901.

THE PRESIDING JUDGE OF THE CIRCUIT COURT,
By RIEHL, *Associate Judge, acting.*

(Seal of the Court.)

This signature is hereby authenticated,
Berlin the 29th of August,

THE MINISTER OF JUSTICE,
By LUCAS.

(Seal of Ministry.)

(Copy of depositions contain stamp in red ink with eagle and following legend: Imperial Stamp Duty, 38 two per centum.)

Upon the faith of the files and records in the matter of this investigation it is certified that annexed stamp imprint of which there remains five exactly similar executions among the files of this investigations, was before the witness Chief Revenue Clerk Emil Jahn at his examination at Duisburg on the 21st day of August, 1901 and also before the witness boss-painter Ludwig Schulte at his examination on
67 the 21st and 26th of August, 1901 at Duisburg, and that the depositions of said witnesses refer to the annexed stamp imprint.

Duisburg, the 27th of August, 1901.

THE EXAMINING JUDGE OF THE ROYAL CIRCUIT COURT, AT DUISBURG,
DR. VYGEN, *Circuit Judge, Acting.*

(Seal of Ct.)

The foregoing signature of Dr. Vygen, Circuit Judge, appointed by Bench Order of the Royal Circuit Court of the 5th of July, 1901 to take charge of the duties of the examining judge for the period of August 16th to 31st is hereby authenticated.

Duisburg, the 27th day of August, 1901.

THE PRESIDING JUDGE OF THE CIRCUIT COURT,
By UNGEWITTER, *Associate Judge, Acting.*

This signature is hereby authenticated.
Berlin the 29th of August, 1901.

THE MINISTER OF JUSTICE,
By LUCAS.

(Seal of Ministry.)

68 ROYAL CIRCUIT COURT.

Duisburg, 26th of August, 1901.

Present:

Circuit Judge Dr. Vygen as Examining Judge.

Bergerfurth, Clerk of Court.

In the penal matter against Gerhardt Terlinden, factory director, et al, for forgery of instruments, there appeared the following named witnesses. The witnesses being made acquainted with the subject matter of the investigation and the person of the accused, were separately and in the absence of the witnesses to be heard later, examined as follows; after they were referred to the import of the oath:

ation of Lud- Schulte.

1. Boss-painter Ludwig Schulte, after being duly sworn.

As to the person: My name is Ludwig Schulte. I am 31 years of age, evangelical, not related to the accused by blood or marriage.

As to the subject matter:

In March of this year Terlinden came one day to my workshop and asked me whether I had the eagle stamp ordered of me ready. I affirmed I had. He said I should make an imprint. I took the plate upon which I had made the stamp and made an imprint by placing the print between rollers of the press. When I pulled the piece of tissue paper from the press, Terlinden took it away from me, took a roller along and went into my office and there made with the roller a print of the stamp from the tissue paper upon a piece of white paper. This was the correct method. The color which was applied was the brownish printing color commonly used in the factory. After Terlinden had made the print, he expressed his satisfaction, saying: "This is very nice." The plate upon which the stamp was contained I had also meanwhile taken out of the press and taken it with me to the office where Terlinden made the print with the roller. The plate may have been twenty

69 centimeters long and ten centimeters broad. Terlinden on that March day of this year, right after he had made the test, took possession of the plate, placed it in his coat pocket and went away with it. The trial print he also took with him as well as the pattern from which I had prepared the stamp. This pattern corresponded exactly with the stamp imprint now shown me upon page 41 of the original depositions in the matter of the investigation against Terlinden now submitted to me. At my examination on the 21st of August of this year the same stamp imprint on said page 41 was before me. On the same occasion Terlinden told me I should now also make the proper color for it. About an hour

later he calle! again and asked whether the color was ready. I had a small sample ready. He took the same along and also a spatula and a roller. The spatula served the purpose of putting the color on the plate. About 14 days later at the behest of Kosbadt and Terlinden I again made color and at the wish of Terlinden made more. On that March day on which Terlinden took the plate away with him it had shortly before been finished. I have only seen two imprints of this stamp plate before namely that one which Terlinden made for himself on the day on which he took the plate along, and that one which at the behest of Terlinden I made to show Kosbadt how. Both stamp prints approached very closely to the stamp print shown me upon page 41 of the depositions, except as to this, that the first print made by Terlinden was brownish.

Deposition of Ludwig Schulte.

Read, approved, signed.

LUDWIG SCHULTE.

2 witness. Hardware dealer Schulte. After being duly sworn. Deposition of Heinrich Schulte

As to the person:

I am called dealer in hardware, and am not, as it is erroneously stated in my deposition of the 21st of August, 1901 dealer in
70 railroad supplies, Heinrich Schulte, I am 42 years of age, belong to the evangelical faith, not related to the accused by blood or marriage.

As to the subject matter: Upon the draft now submitted to me dated Oberhausen, the 29th of April, 1901 which reads as follows:

Face: M 330584

per.

Oberhausen, Rhineland, the 29th of April, 1901.

for M 9582.25

On the 30th of July a/c pay against this first of exchange to the order of Barmer Bank Verein Hinsberg Fischer & Co. the sum of Marks nine thousand five hundred eighty-two and 25 pfgs for value received and charge same to account as per advice.

To Mr. Hch. Schulte, Gerhard Terlinden Stock Co.,
Sterkrade sig. Kosbadt, ppa Muller

No 35805

Payable at Imperial Bank Branch Oberhausen, Rhineland.

(Across the end:)

First of Exchange. Gerhard Terlinden Stock Co., Oberhausen, Rhineland. Hch. Schulte.

sition of
einrich Schulte

(On back:) German Draft stamp five marks for more than 9000 to 10000 mks. April 29, 1901.

Contents received
Barmer Bank Verein
Hinsberg Fischer & Co.

Sig. NN NN
(Signatures illegible.)

The acceptance signature is not written by me. I recognize this plainly by the handwriting and can definitely assert that the acceptance signature is written by another person. From whose
71 hand the signature comes I do not know. I cannot say anything at all, and have no surmises in this regard. In March, 1901 I once called at Terlinden's and communicated with him personally. My wife did not want me to continue the draft intercourse with Terlinden any more. I therefore told Terlinden in March last I would sign no more drafts for him. Terlinden was not satisfied with this at all, he said to me: "Then will I put you on your head," with which he evidently meant to say that he would cause me serious embarrassment. But I persisted toward Terlinden in my refusal, whereupon Terlinden left me standing and went away. On the same day, however, at the instance of Kosbadt, I did accept twelve drafts because I feared Terlinden might be in earnest with his threats.

Read, approved, signed,

HCH. SCHULTE.

ition of
st Wentges

3 Witness. Ernst Wentges, former business manager of the Gerhard Terlinden Stock Company.

As to the Person:—

My name is Ernst Wentges, am 43 years old, a catholic, without interest in the subject matter.

As to the subject matter: With the Gerhard Terlinden Stock Company I had the book keeping in charge. At my entrance in the year 1899 Terlinden designated to me Schulte, Seven and Dietz, as such customers who had received large loans in cash and goods and whom drafts might be drawn as the demand required; that the accounts of these three were not kept in the general book-keepers office, but were kept in his private office and that whenever I drew drafts upon any one of these, then I should make a note of them and leave the same in his private office.

In this way I have drawn a whole row of drafts. These drafts

were then sent to the drawee for his acceptance. Thus I have sent especially drafts to Schulte and Seven. At the present moment
72 I remember no case in which Terlinden or Kosbadt gave me an acceptance from Schulte or Seven. It is possible, however, that this may have been done in isolated cases. What person placed the acceptance signatures upon the drafts of Schulte and Seven submitted to me I cannot tell. At the end of March or beginning of April, 1901 Terlinden told me personally that we should not draw on Schulte any more. This then was no longer done on the part of the book keeping force. The last one of the drafts drawn on the book-keeping force on Schulte was due, if I am not mistaken, on the 20th of June, 1901. They were mostly three month acceptances which were signed by Kesbadt and myself in the name of the Gerhard Terlinden Stock Company as drawer. These drafts always involved such as we gave to our good suppliers and not such as were given to any one of the banks.

Read, approved, signed.

ERNST WENTGES.

4 Witness, Seven hardware dealer.



After being duly sworn.

As to the person: My name is Wilhelm Seven, I am 44 years of age, of the evangelical confession, without interest in the subject matter.

As to the subject matter. The two draft acceptances of the 27th and 18th of April, 1901 for 26250 marks and 25912.45 marks respectively which are now submitted to me I did not sign as acceptor.

The two drafts read as follows:

1 A Face:

M. 30532

per

Oberhausen, Rhineland, 27th of April, 1901.

for M 26250.

On the 30th of July, 1901 pay against this first of exchange to the order of Barmer Bank Verein Hinsberg Fischer & Co. the sum of Marks twenty-six thousand two hundred and fifty for value received and place same to account as per advice.

To Mr. Wilhelm Seven
Essen on the Ruhr
Graben str 11 55

Gerhard Terlinden Stock Co.,
sig. Kosbadt ppa Mueller

No. 25802

(On the end:)

First of Exchange. Gerhard Terlinden Stock Co Oberhausen Rhineland. Wilh. Seven.

sition of Wilhelm Seven.

b on the back.
5 draft stamps of the total amount of 13,50 mks.
Contents received
Barmer Bank Verein
Hinsberg Fischer & Co.
sig NN NN
II a face:
per M. 128966
Oberhausen, Rhineland, the 18th of April, 1901.
For M/25912.45.

On the 21st of July, 1901 pay against this first of exchange to the order of Barmer Bank Verein Hinsberg Fischer & Co. the sum of marks twenty-five thousand nine hundred and twelve and 45 pfgs. for value received and charge same to our account as per advice.

Gerhard Terlinden Stock Company
sig. Kosbadt ppa. Mueller

To Mr. Wilhelm Seven
Essen on the Ruhr
Grabenstr. 11/15

Draft stamps for the amount of 13 marks
(On the end:)
First of Exchange. Gerhard Terlinden Stock Co. Oberhausen Rhineland. Wilh. Seven.
35666
b. back.
For us to the order of the Imperial Bank Branch Essen for value received.

Barmen the 10th of July 1801
Barmer Bank Verein
Hinsberg Fischer & Co.
sig NN NN
Paid
Imperial Bank Branch
Contents received
Barmer Bank Verein
Hinsberg Fischer & Co.
sig NN NN

That I did not write the two draft acceptances I not only derive from the fact that these two drafts do not appear upon my draft book, but more particularly I recognize from the handwriting that the acceptances do not come from my hand.

They are written by a different hand, by whom I do not know. When in the course of the last years it often happened that drafts which I had not accepted were sent to me for redemption I remon-

strated with Terlinden and forbade such a course. Once I wrote Terlinden, and the other time when I went to see him personally I met the accused Kosbadt. Kosbadt at that time admitted to me—this may have been the latter part of 1900—that he wrote my name. But this statement did not refer to the two drafts shown me to-day. That he had direction from Terlinden to do this Kosbadt did not say. I did not ask him about it either. I said expressly that I would not tolerate such a course. So far as I remember my letter to Terlinden remained unanswered. With reference to my representation as to the high draft amounts, Terlinden always made me feel easy personally. Deposition of Wilh. Im Seven.

Read, approved, signed.

WILH. SEVEN.

75 5th Witness Latwesen, director of the Barmer Bank Verein Hinsberg Fischer & Co.

After being duly sworn:

As to the person:

My name is Heinrich Latwesen. I am 37 years old, of evangelical religion, not related to the accused either by blood or marriage. Deposition of Heinrich Latwesen

As to the subject matter:

The original draft shown to me now, dated Oberhausen, the 18th of April, 1901, draft amount 25912.45 Marks, date of maturity July 21, 1901, acceptor Wilhelm Seven, was sent to the Barmer Bank Verein by letter of 22nd of April, 1901 from the Gerhard Terlinden Stock Company, for its credit together with the other drafts. The letter was signed Gerhard Terlinden Stock Co. ppa. Kosbadt Muller.

In the latter, order was at the same time given for the value of the draft in favor of the Gerhard Terlinden Stock Co. The two drafts now shown me dated Oberhausen the 27th of April, 1901 draft amount 26250 marks, date of maturity July 30 1901, acceptor Wilhelm Seven, and the draft dated Oberhausen the 29th of April, 1901, draft amount 9582.35 marks, date of maturity July 1st 1901 acceptor Hch. Schulte, were sent to the Barmer Bank Verein by letter of the Gerhard Terlinden Stock Company, signed ppa Kosbadt Mueller.

Also in this letter order was given concerning the draft amount. During the business connection with the Terlinden hundreds of drafts of the Gerhard Terlinden Stock Co. came to the Barmer Bank Verein. The same were so far as I remember always signed by the "procurist" (manager) also the running correspondence,

for instance the letters with which the drafts were sent, always bore the signature of the "procurist" only the confidential letters he signed himself.

76 The drafts went to protest and were not paid.

Read, approved, signed.

Deposition of Martin Muller.

6th Witness Mueller of Oberhausen, formerly procurist of the Gerhard Terlinden Stock Co.

Upon being duly sworn.

As to the person:—My name is Martin Mueller, I am 48 years old, of evangelical religion, not related to the accused either by blood or marriage.

As to the subject matter:

All the drafts which I took as drawer signed came from the private office of the accused Terlinden in which he worked together with Miss Barth. As often as I signed any drafts the acceptance was already upon it. Thus it was with the three drafts now shown to me dated Oberhausen, 13th of April, 1901, dated Oberhausen the 27th of April, 1901, dated Oberhausen the 29th of April, 1901. If, as I now hear, the acceptance signatures Seven and Schulte are forged upon these drafts, the forgery can only have been executed by Terlinden, by Miss Barth or by Kosbadt. For Kosbadt received the drafts which came from Terlinden's private office. Who executed the forgery I cannot assert as to either of the three drafts. Upon the signing of the drafts I also signed the letters with which they were sent to the Bank Verein to be credited. The signing of drafts and of those letters with which they were given to the banks were pretty much my sole function for which I was called to the business office. For I have technical functions to perform and do not work at the business above. The drafts came sent by

77 Miss Barth or Terlinden in a locked portfolio from the private office of Terlinden to the business office. Here the portfolios were opened by Kosbadt who had the key to them. I had no key to them. I cannot remember that I was ever present at the opening of such a portfolio in which drafts were contained. I paid no attention to the business manager of the concern. That the drafts came from upstairs out of the private office I know from the fact that Kosbadt whenever he had ordered me to appear at the office at an appointed hour, and I came but the drafts were not yet there, would say the drafts had not yet come down from the private office.

Read, approved, signed.

MULLER.

The administration of the oath to all the witnesses was done in accordance with Par. 328 II of the code of criminal procedure. Done as above. Certificates.

Signed Dr. VYGEN,
*Circuit Judge.*
BERGERFURTH,
*Clerk.*

It is here by certified that the foregoing copies of record of depositions correspond with the proceedings for the taking of evidence herein.

Duisburg the 27th of August, 1901.

LADWIG,
*Circuit Court Assistant.*

(Seal of Court)

The foregoing signature of Circuit Court Assistant Ladwig Clerk at the Royal Circuit Court is hereby authenticated.

THE PRESIDING JUDGE OF THE CIRCUIT COURT,
by UNGEWITTER, *Associate Circuit Judge.*

(Seal of court)

This signature is hereby authenticated.

Berlin the 29th of August, 1901.

MINISTER OF JUSTICE by
LUCAS.

(Seal of Ministry.)

78 Endorsed: U. S. District Court. In re Gerhart Terlinden. Traverse to Return. Filed Oct. 28, 1901. T. C. MacMillan, Clerk.

79 And afterwards, to wit, on the 29th day of October, A. D. 1901, the following order was had and entered of record in said cause before the Honorable Christian C. Kohlsaat, Judge, to wit: Order of Oct. 29, 1901, granting leave to file petition for writ of certiorari.

In re petition of
9377 Gerhard Terlinden
for a writ of habeas corpus.

On motion it is ordered by the Court that leave be and hereby is given said Gerhard Terlinden to file his petition herein by two o'lock to-day praying that a writ of certiorari issue to Mark A. Foote, United States Commissioner.

Petition for writ of certiorari, filed Oct. 29, 1901.

80 And afterwards, to wit, on the 29th day of October, A. D. 1901, there was filed in the Clerk's Office of said Court in the above entitled cause, a Petition for writ of Certiorari in aid; said Petition being in the words and figures following, to wit:

United States of America, }
Northern District of Illinois. } ss.

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois:

In re Habeas Corpus, }
Gerhard Terlinden. }

*To the Honorable Christian C. Kohlsaat, Judge of the District Court of the United States for the Northern District of Illinois.*

The petition for a writ of Certiorari.

The petition of Gerhard Terlinden for a writ of certiorari in aid of the writ of Habeas Corpus herein issued by this Court respectfully shows:

First: That there are on file before Mark A. Foote, Esquire, United States Commissioner, the original complaint and warrant upon which petitioner was apprehended, and also the amended complaint and new warrant upon which your petitioner was arrested after having been discharged from the arrest under the first warrant; that with said amended complaint filed with said commissioner on or about the twenty-sixth (26th) day of September, 1901, there were filed certain depositions of testimony taken within the jurisdiction of the German Empire, which said despositions likewise contained copies of various provisions of the German Criminal Code, which provisions it is alleged your petitioner has violated;

81 and furthermore said depositions also contained a copy of the original warrants issued by the Courts of the German Empire; that said depositions and said copies of the provisions of the German Criminal Code and the copy of said original warrant were specifically identified and referred to by said amended complaint filed as aforesaid.

Second. That your petitioner has alleged as one of the causes of the illegality of his restraint that the amended complaint in question does not allege an extraditable offense; that in order for this court to determine the sufficiency of the complaint as effecting the

jurisdiction of the Commissioner, it is necessary to have before this Court the provisions of the German Law filed as heretofore set forth in this petition, and also a copy of the original warrant issued by the Courts of the German Empire as heretofore alleged. Petition for writ of certiorari, filed Oct. 29, 1901.

Third. That in order for this court fully to determine the questions raised by your petitioner's petition herein as to whether there exists a treaty between the Government of the United States and the German Empire for the extradition of persons charged with the offense or offenses alleged in said warrant issued by the court of the German Empire, it is necessary for this court to have for its consideration the depositions, provisions of the German Criminal Code and copy of the original warrant issued by said German Court heretofore referred to.

Wherefore your petitioner prays that this Court may issue a writ of certiorari, ordering the said Mark A. Foote, Esquire, United States Commissioner, to certify to this court the records herein referred to and in his possession at the time the writ of Habeas Corpus herein was issued, to the end that this court may have in its possession said records which are necessary for a complete
82 understanding in determining the issues raised by the petition for a writ of Habeas Corpus herein.

GERHARD TERLINDEN,
*Petitioner.*

United States of America
Northern District of Illinois. } ss.

State of Illinois,
Cook County } ss.

Gerhard Terlinden being first duly sworn on oath deposes and says that he is the petitioner herein and has heard the foregoing petition read and understands the contents thereof; that the same is true.

GERHARD TERLINDEN.

Subscribed and sworn to before me this 29th day of October A. D. 1901.

T. C. MACMILLAN,
*Clerk.*

[SEAL]

Endorsed: 9377. In the District Court, Northern District of Illinois. In re. Gerhard Terlinder. Petition for a writ of Certiorari in aid. Filed by leave of Court Oct. 29, 1901, at o'clock P. M. T. C. MacMillan, Clerk. A. C. Umbreit and Albert W. May, Petitioners Attorneys.

ng on petition for writ of certiorari, Oct. and 31, 1901.

83 And afterwards, to wit, on the 29th day of October, A. D. 1901, the following order was had and entered of record in said cause before the Honorable Christian C. Kohlsaat, Judge, to wit:

In re petition of
9377 Gerhard Terlinden
for a writ of habeas corpus

On reading and consideration of the petition this day filed herein by leave of Court praying for a writ of certiorari and after arguments of counsel the Court not being sufficiently advised in the premises takes this matter under advisement.

84 And afterwards, to wit, on the 31st day of October, A. D. 1901, the following order was had and entered of record in said cause, before the Hon. Christian C. Kohlsaat, Judge, to wit:

In re petition of
9377. Gerhard Tarlinden,
for a writ of habeas corpus.

This matter coming on again to be heard come the parties by their Attorneys and the relator in custody of the Marshal and the Court having considered and being now fully advised in the premises denies the petition of said Gerhard Terlinden for a writ of certiorari herein. It is further—

Ordered by the Court that the question of whether since the formation of the German Empire the extradition treaty concluded between the Government of the United States and the Kingdom of Prussia in 1852 is still in force or abrogated by constitution of the German Empire, be submitted to the Court on briefs to be filed by the relator on November 2, 1901 at ten o'clock A. M. and reply brief by Monday, November 4, 1901 at ten o'clock A. M., and the further hearing of this matter is continued until Tuesday, Nov. 5, at ten o'clock A. M. It is further Ordered that said relator be remanded to the custody of the Marshal and that the motion to stay all further proceedings before the United States Commissioner be and the same hereby is denied.

85 And afterwards, to wit, on the 5th day of November, A. D. 1901, the following order was had and entered of record in said cause, before the Hon. Christian C. Kohlsaat, Judge, to wit:

Order of Nov. 5, 1901, denying writ and remanding petitioner to custody

In re. petition of
9377. Gerhard Terlinden,
for a writ of habeas corpus.

This cause coming on to be heard on the petition filed herein the return of the Marshal to the writ of habeas corpus and the traverse of the relator comes the petitioner by Albert W. May Esq. his attorney and in custody of the Marshal and comes also John C. Ames, the Marshal for this District, the respondent herein by William Vocke, Esq., his attorney. Thereupon the Court having heard the arguments of counsel for the petitioner and for said respondent and being fully advised in the premises, finds that said petitioner is lawfully restrained from his liberty. It is thereupon Ordered, Adjudged and Decreed by the Court that the petition in this cause be and the same hereby is dismissed and that said petitioner Gerhard Terlinden be and he hereby is remanded to the custody of said Marshal and that said petitioner pay the costs of this proceeding to which ruling of the Court said petitioner by his counsel duly excepts, and on his motion for an appeal from said ruling it is Ordered by the Court that the amount of the appeal bond herein be and the same hereby is fixed at the sum of five hundred dollars.

Appeal bond, filed Nov. 6, 1901.

86 And afterwards, to wit on the 6th day of November, A. D. 1901, there was filed in the Clerk's Office of said Court in the above entitled cause, a Bond in Appeal; said Bond being in the words and figures following, to wit:

87 Know all Men by these Presents, That we, Gerhard Terlinden as principal and The American Bonding and Trust Company of Baltimore City, a corporation existing under the laws of the State of Maryland with offices in Chicago, as sureties, are held and firmly bound unto John C. Ames, United States Marshal, Northern District of Illinois, in the full and just sum of five hundred dollars to be paid to the said John C. Ames, United States Marshal, Northern District of Illinois, certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. Sealed with our seals and dated this 5th day of November in the year of our Lord one thousand nine hundred and one.

Whereas, lately at a regular term of said court in a suit depending in said court, between Gerhard Terlinden and John C. Ames,

Appeal bond, filed Nov. 6, 1901.

United States Marshal, Northern District of Illinois, a judgment was rendered against the said Gerhard Terlinden denying his application for discharge from imprisonment and discharging the writ of habeas corpus and the said Gerhard Terlinden having obtained an appeal to reverse the judgment in the aforesaid suit, and a citation directed to the said John C. Ames, United States Marshal, Northern District of Illinois, citing and admonishing him to be and appear at a United States Circuit Court of Appeals, for the Seventh Circuit, to be holden at Chicago, within 30 days from the date hereof.

Now, the condition of the above obligation is such, That if the said Gerhard Terlinden shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

GERHARD TERLINDEN. [SEAL]
THE AMERICAN BONDING AND TRUST COMPANY OF BARTIMORE CITY. [SEAL]
[SEAL] By FREDERICK A. BROWN, *Pres.* [SEAL]
Attest:
COLEY M. HAVEN,
*Asst. Secty.*
Sealed and delivered in presence of:
H. C. SHUTE.
Approved Nov. 5, 1901.
KOHLSAAT, J.

State of Illinois, } ss.
Cook County }

Before me Will T. Davies a Notary Public in and for said county and state aforesaid, appeared Gerhard Terlinden and being by me first duly sworn deposes and says that he signed, sealed and acknowledges this bond for the uses and purposes therein set forth.

GERHARD TERLINDEN.

Subscribed and sworn to before me this 5th day of November, A. D. 1901.

WILL T. DAVIES,
*Notary Public.*
[SEAL]

(Indorsed) Filed Nov. 6, 1901, at —— o'clock —— m. T. C. MacMillen, Clerk.

88 And afterwards, to wit, on the 6th day of November, A. D. 1901, there was filed in the Clerk's office of said Court in the above entitled cause, a Prayer for Appeal and Assignment of Errors; said Prayer for Appeal and Assignment of Errors being in the words and figures following, to wit:

Petition for appeal, filed Nov. 6, 1901.

United States of America, }
Northern District of Illinois. }

IN THE DISTRICT COURT OF THE UNITED STATES

For the Northern District of Illinois.

In re Habeas Corpus. }
Gerhard Terlinden. }

*To the Honorable Christian C. Kohlsaat, Judge of said Court.*

The defendant, Gerhard Terlinden herein above named conceives himself grieved by the judgment of this Court made on the 5th day of November A. D. 1901 discharging the writ of habeas corpus heretofore issued and hereby appeals from said order and judgment of this Court to the United States Circuit Court of Appeals for the 7th Circuit, and states that his reasons for said appeal are specified in the assignment of errors filed herewith, and therefore prays that his appeal may be allowed and that the transcript of the record and of the proceedings and papers upon which said order and judgment were founded after due authentication may be sent to the said United States Circuit Court of Appeals for the 7th Circuit. Dated this 6th day of November, A. D. 1901.

A. C. UMBREIT,
ALBERT W. MAY,
*Attorneys for Gerhard Terlinden.*

ment of er- Filed Nov. 901

89 United States of America, }
Northern District of Illinois. }

IN THE DISTRICT COURT OF THE UNITED STATES,

For the Northern District of Illinois.

In re. Habeas Corpus, }
Gerhard Terlinden. }

*To the Honorable Christian C. Kohlsaat, Judge of said Court.*

Now on this 6th day of November, A. D. 1901, comes the said Gerhard Terlinden by A. C. Umbreit and Albert W. May his attorneys and says: that the order and judgment in his said cause is erroneous and against the just rights of him, the said defendant and assigns the following reasons therefor:

Specification 1. That the Court erred in declining to hold that no treaty exists between the United States of America on the one part and the Kingdom of Prussia or the German Empire, on the other.

Specification 2. That the Court erred in holding that the question of the existence of a treaty must be determined by the political department of our government and was not within the province of the Court to decide.

Specification 3. That the Court erred in discharging the writ of habeas Corpus thereby holding the existence of a treaty between the United States of America on the one part, and the Kingdom of Prussia or the German Empire on the other part.

Specification 4. That the Court erred in denying the right to introduce evidence for the purpose of showing that no extraditable offence has been committed.

90 Specification 5. That the Court erred in denying a prayer for a writ of certiorari in aid of the writ of Habeas Corpus heretofore issued, to bring the record from the United States Commissioner to the District Court aforesaid.

Specification 6. That the Court erred in holding that the record before this Court shows the commission of an extraditable offense.

Wherefore the said Gerhard Terlinden prays that the said judgment and order may be reversed and that the said District Court may be directed to enter an order or decree in favor of the defendant in accordance with prayer of the petition for Habeas Corpus in this cause filed.

A. C. UMBREIT per M.
ALBERT W. MAY,
*Attorneys for Gerhard Terlinden.*

Endorsed: 9377. United States District Court, Northern District. In re. Gerhard Terlinden vs. John C. Ames, Marshal. Prayer for appeal and Assignment of Errors. Filed Nov. 6, 1901, at 10 o'clock A. M. T. C. MacMillan, Clerk.

91 And afterwards, to wit, on the 6th day of November, A. D. 1901, the following order was had and entered of record, in said cause, before the Hon. Christian C. Kohlsaat, Judge, to wit: Order of Nov. 6, 1901, allowing appeal.

In re. Petition of
9377 Gerhard Terlinden,
for a writ of habeas corpus

On motion of said petitioner supported by his petition this day filed herein for an appeal to the United States Court of Appeals for this Circuit and it appearing to the Court that said petitioner has filed his assignment of errors together with an Appeal Bond in the sum of five hundred dollars.

It is Ordered that said appeal be and the same hereby is allowed and said petitioner has ten days in which to prepare and file his bill of exceptions herein. It is further ordered by the Court that Frederick Struckmeyer be and hereby is appointed to serve the Citation herein on John C. Ames, the respondent herein.

92 IN THE DISTRICT COURT OF THE UNITED STATES Clerk's certificate

For the Northern District of Illinois

Northern Division

I, T. C. MacMillan, Clerk of the District Court of the United States for the Northern District of Illinois, do hereby certify the above and foregoing to be a true and correct transcript of the record and proceedings in Case No. 9377, In re Gerhard Terlinden for a writ of Habeas Corpus, as the same appears from the records and files now remaining in my custody and control.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at my office in Chicago in said District, this 8th day of November, A. D. 1901.

T. C. MACMILLAN,
*Clerk.*

[SEAL.]

. filed
7, 1901.

93 And afterwards, to wit, on the 6th day of November, A. D. 1901, there was issued out of and under the seal of said Court, in said cause, a Citation; which said Citation is in the words and figures following, to wit:

94 United States of America, } ss.

*The President of the United States, To John C. Ames, United States Marshal for the Northern District of Illinois. Greeting:*

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals, for the 7th Circuit, to be holden at Chicago within thirty days from the date hereof, pursuant to an appeal wherein Gerhard Terlinden is plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error as in the said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Christian C. Kohlsaat, Judge of the District Court of the United States, this 6th day of November in the year of our Lord one thousand nine hundrd one.

KOHLSAAT, J.

Rec'd copy of within Nov. 6, 1901.

JOHN C. AMES, *U. S. Marshal,*
By M. E. PATTERSEN, *Deputy.*

(Indorsed) Filed Nov. 7, 1901. T. C. MacMillan, Clerk,

95-98 And afterwards, to wit, on the 15th day of November, A. D. 1901, there was filed in the clerk's office of said court in the above-entitled cause, a petition for appeal and assignment of errors, which said petition for appeal and assignment of errors being in the words and figures following, to wit:

99 UNITED STATES OF AMERICA, }
*Northern District of Illinois.* }

In the District Court of the United States *of* the Northern District of Illinois.

*In re* Petition of *Habeas Corpus* of GERHARD TERLINDEN.

To the Honorable Christian C. Kohlsaat, judge of said court:

The petitioner, Gerhard Terlinden, herein above named conceives himself aggrieved by the judgement of this court made on the fifth (5th) day of November 1901, discharging the writ of *habeas corpus* heretofore issued and hereby appeals from said order and judgement of this court to the Supreme Court of the United States, and states that his reasons for said appeal to said court are, that the determination of the issue in this cause involves the validity, existence and construction of a certain treaty alleged by the respondent to be in existence between the United States of America on the one part, and the Kingdom of Prussia, or the Empire of Germany on the other part. Which said reasons for said appeal are more particularly specified in the assignment of errors heretofore filed in this court on the sixth (6th) day of November 1901, and again, herewith, with this petition filed.

And therefore, prays that his appeal to the United States Supreme Court may be allowed, and that the transcript of the record,
100 and of the proceedings and papers upon which said order and judgement were founded after due authentication may be sent to the Supreme Court of the United States.

Dated this 15th day of November in the year of our Lord 1901, and of the Independence of the United States one hundred and twenty-five.

A. C. UMBREIT,
Per M.,
ALBERT W. MAY,
*Attorney- for said Gerhard Terlinden.*

101 UNITED STATES OF AMERICA, }
*Northern District of Illinois.* }

In the District Court of the United States for the Northern District of Illinois.

*In re Habeas Corpus*, GERHARD TERLINDEN.

To the Honorable Christian C. Kohlsaat, judge of said court:

Now on this 15th day of November, A. D. 1901, comes the said Gerhard Terlinden by A. C. Umbreit and Albert W. May his attorneys and says: That the order and judgment in his said cause is erroneous and against the just rights of him, the said defendant and assigns the following reasons therefor:

Specification 1. That the court erred in declining to hold that no treaty exists between the United States of America on the one part and the Kingdom of Prussia or the German Empire, on the other.

Specification 2. That the court erred in holding that the question of the existence of a treaty must be determined by the political department of our Government and was not within the province of the court to decide.

Specification 3. That the court erred in discharging the writ of *habeas corpus* thereby holding the existence of a treaty between the United States of America on the one part, and the Kingdom of Prussia or the German Empire on the other part.

102 Specification 4. That the court erred in denying the right to introduce evidence for the purpose of showing that no extraditable offence has been committed.

Specification 5. That the court erred in denying a prayer for a writ of certiorari in aid of the writ of *habeas corpus* heretofore issued, to bring the record from the United States commissioner to the district court aforesaid.

Specification 6. That the court erred in holding that the record before this court shows the commission of an extraditable offense.

Wherefore, the said Gerhard Terlinden prays that the said judgment and order may be reversed and that the said district court may be directed to enter an order or decree in favor of the defendant in accordance with prayer of the petition for *habeas corpus* in this cause filed.

A. C. UMBREIT,
Per M.,
ALBERT W. MAY,
*Attorneys for Gerhard Terlinden.*

Endorsed: 9377. Gerhard Terlinden *vs.* John C. Ames, marshal for the northern district of Illinois. Petition for appeal to Supreme Court and assignment of errors. Filed Nov. 15, 1901 at 2 o'clock p. m. T. C. MacMillan, clerk.

103 And afterwards, to wit, on the 15th day of November, A. D. 1901, there was filed in the clerk's office of said court, in the above-entitled cause, a bond, which said bond is in the words and figures following, to wit:

104 Know all men by these presents that we, Gerhard Terlinden, as principal, and the American Bonding & Trust Company of Baltimore City and having offices in the city of Chicago, Illinois, as sureties, are held and firmly bound unto John C. Ames, United States marshall for the northern district of Illinois, in the full and just sum of five hundred dollars to be paid to the said John C. Ames, United States marshal for the northern district of Illinois — certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 14th day of November in the year of our Lord one thousand nine hundred and one.

Whereas, lately at a regular term of said court in a suit depending in said court, between Gerhard Terlinden and John C. Ames, United States marshal for the northern district of Illinois a judgment was rendered against the said Gerhard Terlinden denying his application for discharge from imprisonment and discharging the writ of *habeas corpus* and the said Gerhard Terlinden having obtained an appeal to reverse the judgment in the aforesaid suit, and a citation directed to the said John C. Ames, United States marshal for the northern district of Illinois citing and admonishing him to be and appear at a Supreme Court of the United States, to be holden at Washington within 30 days from the date thereof,

Now, the condition of the above obligation is such, that if the said Gerhard Terlinden shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

GERHARD TERLINDEN. [SEAL.]
THE AMERICAN BONDING AND TRUST CO. OF BALTIMORE CITY, [SEAL.]
By FREDERICK A. BROWN, [SEAL.]
*Vice-Pres't.*

Attest: ALPHR. J. POWERS, *Ass't Sec't'y.* [SEAL.]

Sealed and delivered in presence of—
ALBERT W. MAY.

Approved by—
KOHLSAAT, *J.*

Nov. 15, 1901.

We enter our consent to the approval of the foregoing bond.
WILLIAM VOCKE.
WILLIAM MANNHARDT.

105 STATE OF ILLINOIS, } *ss:*
*Cook County,* }

Before me, Will T. Davies, a notary public in and for the county and State aforesaid, this day appeared Gerhard Terlinden, and being by me first duly sworn, deposes and says that he signed, sealed and acknowledges this bond for the uses and purposes therein expressed.

GERHARD TERLINDEN.

Acknowledged, subscribed and sworn to before me this 14th day of November, A. D. 1901.

WILL T. DAVIES,
[SEAL.] *Notary Public.*

[Endorsed:] 9377. United States district court, northern dist. of Illinois, northern division. Gerhard Terlinden *vs.* John C. Ames, marshal. Bond. Filed Nov. 15, 1901 T. C. MacMillan, clerk.

106 And afterwards, to wit, on the 15th day of November, A. D. 1901, there was issued out of and under the seal of said court in the above-entitled cause, a citation; which said citation is in the words and figures following, to wit:

107 UNITED STATES OF AMERICA, *ss:*

To John C. Ames, United States marshal for the northern district of Illinois, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to an appeal wherein Gerhard Terlinden, is appellant and you are appellee, to show cause, if any there be, why the judgment rendered against the said appellant as in the said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Christian C. Kohlsaat judge of the district court of the United States this 15th day of November, in the year of our Lord one thousand nine hundred and one.

KOHLSAAT, *Judge.*

108 [Endorsed:] No. 9377. Supreme Court of the United States. Gerhard Terlinden *vs.* John C. Ames, marshal. Citation to the Supreme Court of the United States. Filed Nov. 18 1901 at — o'clock — m. T. C. MacMillan, clerk. Rec'd copy of within November 16, 1901. John C. Ames, U. S. marshal, by M. E. Patterson, deputy.

109 And afterwards, to wit, on the 15th day of November, A. D. 1901, the following order was had and entered of record, in said cause, before the Hon. Christian C. Kohlsaat, judge, to wit:

*In re* GERHARD TERLINDEN for a Writ of *Habeas Corpus.* 9377.

On motion of said petitioner supported by his petition this day filed herein for an appeal to the Supreme Court of the United States and it appearing to the court that said petitioner has filed his assignment of errors together with an appeal bond in the sum of five hundred dollars,

It is ordered that said appeal be and the same hereby, is allowed and—

It is further ordered by the court that Frederick Struckmeyer be and hereby is appointed to serve the citation on John C. Ames, the respondent herein.

110 In the District Court of the United States for the Northern District of Illinois, Northern Division.

I, T. C. MacMillan, clerk of the district court of the United States of America for the northern district of Illinois, do hereby certify the above and foregoing to be a true and correct transcript of the record and proceedings in case No. 9377, *In re* Gerhard Terlinden for a writ of *habeas corpus*, as the same appears from the records and files now remaining in my custody and control.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at my office at Chicago in said district, this 16th day of November, A. D. 1901.

[Seal of Dist. Court U. S., Northern Dist. Illinois, 1855.]

T. C. MACMILLAN, *Clerk.*

Endorsed on cover: File No. 18,328. N. Illinois D. C. U. S. Term No. 475. Gerhard Terlinden, appellant, *vs.* John C. Ames, United States marshal for the northern district of Illinois. Filed November 25th, 1901.